

BIRTH MOTHERS:
ADOPTION IN NEW ZEALAND
AND THE SOCIAL CONTROL OF WOMEN,
1881-1985

A thesis
submitted in partial fulfilment
of the requirements for the Degree
of
Master of Arts in History
in the
University of Canterbury
by
Gillian R. Palmer

University of Canterbury
1991

HV
875.58
.D5
.P174

CONTENTS

CHAPTER	PAGE
ACKNOWLEDGEMENTS	i
ABSTRACT	ii
PREFACE.	iii
LIST OF TABLES	vi
LIST OF GRAPHS	vii
I. Introducing birth mothers: Theory and methodology	1
II. Profiling New Zealand women.	22
III. Creating birth mothers: Population control and adoption law, 1881-1955.	51
IV. Birth mothers become invisible: Adoption law, 1955-1985.	71
V. In defense of patriarchy, 1955-1985.	90
VI. Continuing control over women: The implications	132
APPENDICES.	159
BIBLIOGRAPHY.	198

ACKNOWLEDGEMENTS

Thank you to all the people who gave their time and energy to this project. Thank you, especially, to the birth mothers who took part, but also the adoptive adopted people and adopted parents who had input into this thesis.

I would also like to thank the following people who have supported me in my 'need': Bill, for being there when I needed him; Elise for her hours of editing; Tonia for her support; Rand, a fellow 'sufferer'; and the many members of my birth family.

Finally, my heartfelt thanks go to Robina and Ted Palmer, my adoptive parents, for their love and support.

ABSTRACT

This thesis profiles the lives of women in New Zealand, comparing these generalised experiences to emerging adoption law from a feminist perspective. Although this thesis covers adoption's legislative history from its inception, it concentrates on the era of closed adoptions, from 1955-1985. This period encompasses a period in adoption history in which women were forced to surrender their children and then silenced and forgotten. This thesis draws on secondary sources and interviews with birth mothers in Christchurch from as long ago as 1940 and from as recently as 1979. Women who gave up their children for adoption were given a 'choice' to adoption or to keep their child. However, the issue is not necessarily one of the birth mother's 'choice', rather it is the conditions under which choices are made. Birth mothers were rendered powerless and invisible by the adoption process. The law and practice of adoption in New Zealand is examined as a form of social control over birth mothers, the women who gave up their children for adoption. This form of social control is, it is argued, a result of the patriarchal power relations. It is argued that adoption has formed part of population ideology and control, supporting the nuclear family and maintaining the patriarchal status quo.

PREFACE

This thesis originated in my experiences as an adopted woman and in a desire to write a thesis in New Zealand history. At the end of 1988 I was still undecided as to a thesis topic. As it was I was overtaken by events. At the end of my second year at Canterbury University I had made a search for my birth mother under the auspices of the Adult Adoption Information Act. However, my birth mother had placed a veto preventing the release of identifying information.

I took up the threads of my search in 1988. My adoptive parents had already told me that I had a younger brother who had also been adopted. I am not sure if I was aware of what my search would involve or where it would lead, but on the 19 September, which was my birth-brother's twentieth birthday, I was told by a social worker that my brother had been adopted by Americans and was probably a resident there. I was also told that Social Welfare held a contact address for my birth father, something I had not anticipated or even considered. A week before I left for Canada on a student work exchange in November of 1988 I met my birth father for the first time. Less than two weeks later my parents called Vancouver, Canada to say that their letter to the U.S. Army Base in Colorado had been answered by a Mr Smith in Michigan. I had my birth brother's address, and in January of 1989 we met.

However, this only describes the events of my reunion with my birth father and brother and examine nothing of the issues, or emotions, involved. At some point I decided that a

thesis on adoption would provide me with a topic which would demand my attention in a way none other was likely to do. I began with a broad outline; adoption in New Zealand. As I began my research I became aware of many issues which I had not consciously attached to adoption. Initially, and rather ironically, I felt that adoption was a private and individual experience.

However, I found that adoption involved far more people than I had first thought. Approximately 1 person in 33 is part of the adoption triangle as a birth parent, adopted person or adoptive parent in New Zealand. I also found that adoption policy and law reflected attitudes towards women's sexuality, and particularly the family, motherhood and marriage.

I very quickly became aware of how little material there was from a historical point of view. A few essential works stand out, such as Keith Griffith's work *Adoption*, Joss Shawyer's book *Death by Adoption* and Anne Else's articles "The Perfect solution: Adoption Law and Practice in New Zealand," (1987) and "The need is ever present': The Motherhood of Man Movement and Stranger Adoption in New Zealand," (1989).¹

However, I still had unanswered questions about my birth mother, both at a personal and at a political level. Questions like "who gained from adoption secrecy?" and "why were birth mothers studied so little?" helped me narrow my focus to look at birth mothers and adoption within the context of patriarchal society. This process has led me to a greater understanding of

¹Anne Else is currently working on her PhD thesis on adoption in New Zealand.

my own situation and of the law and practice of adoption in New Zealand.

Adoption is not the 'perfect solution'. It occurs in contexts which are not only exploitative of birth mothers, but also adopted people and adoptive parents. The alternative is guardianship, not continued law reforms which only relieve some of the destructive and oppressive effects of adoption.

LIST OF TABLES

TABLE	PAGE
I. Total New Zealand Population, 1858-1986 Censuses.	23
2. Health History Since Birth of Baby	120

LIST OF GRAPHS

GRAPH	PAGE
I. Death rates for females	34
II. Ex-nuptial births as % of total births	39
III. Total adoption orders, 1955-1986. . . .	40
IV. Adoptee births: ex-nuptial vs nuptial .	43
V. Adoptions to strangers and non-strangers	44
VI. Married couples as percentage of adopting persons	45
VII. Adoptions as a percentage of live births.	47

CHAPTER I

Introducing birth mothers:

Theory and Methodology

The focus of this thesis is upon women who gave up their children in what is commonly known as stranger adoption.¹ The practice of adoption first came under scrutiny in 1881 when New Zealand's first adoption legislation was passed. Subsequently, the major landmarks in New Zealand's adoption history have been the 1955 Adoption Act and, more recently, the 1985 Adult Adoption Information Act. This thesis focuses on the period from 1955-1985, during which stranger adoption has undergone various changes encompassing both closed and open adoption practices.²

The particular focus of this study is upon women who gave birth outside of marriage and were subject to New Zealand's adoption law. This study examines adoption from the point of view of those subject to the policy and practice of adoption law; of the policy-makers and those who implemented them. From this focus I proceed to an examination of the relationship between adoption, sexuality, motherhood, marriage and the family.

The concept that is central to this thesis is that adoption has functioned within patriarchal society as a form of social control over women. In my understanding, patriarchy

¹Stranger adoptions are those orders made in favour of a person or persons who were neither friend or relatives to the birth parents.

²The term 'closed adoption' refers to a practice common until the late seventies, whereby all contact between the birth parents and the adopted child/person are severed, irrevocably. The term 'open adoption' therefore refers to the practice of maintaining contact between birth relatives.

should not be interpreted so much as a single, united form. Rather, patriarchy manifests itself in a multitude of power relations and political processes, from the relations as diverse as those which comprise family life to the political processes of the state.³

Change is an integral part of patriarchy both in terms of historical context and social location. This definition of 'patriarchy' resists determinism; patriarchy is not pre-determined in its outcome, nor is it always consistent in its aims. At a fundamental level, adoption is a legal relationship "defined, regulated and to some extent enforced by the state."⁴ In New Zealand, the patriarchal power relations of the state are given local and specific meaning by our adoption laws.⁵

The terminal dates for the study, 1955 and 1985, mark the period of closed stranger adoption in New Zealand. Secrecy

³Family life is often part of our day to day experiences which reflect the constitutive role of the state in forming and reforming social patterns. Robert Connell notes: "For instance the state at a superficial level supports marriage through taxation incentives, housing and so on. At a more fundamental level marriage is itself a legal action and a legal relationship, defined, regulated and to some extent enforced by the state." Robert Connell, *Gender and power*, (Sydney: Allen and Unwin, 1987), 130.

Patriarchal relations have involved each part of the adoption process, particularly concerning issues of women's sexuality, motherhood and the role of women in the family.

⁴*Ibid.*

⁵Adoption law defines who can be adopted and by whom. It sets out conditions for those who have authority to make adoption orders; for consent and for the withdrawal of consent. Adoption law sets up the conditions for consent to be dispensed with. Adoption law ". . . is a complex set of interacting elements to establish and protect the rights of those assuming parentage through law and to extinguish those being relinquished." Kate Inglis, *Living mistakes: Mothers who consented to adoption*, (Sydney: George Allen and Unwin, 1984), 4.

provisions had gradually been expanded since the turn of the century, placing increasing emphasis upon the adoptive relationship. The 1955 Adoption Act, my first terminal date, marks the beginning of strictly enforced secrecy, which consolidated previous provisions. The Act provides a telling example of the power of law in the destruction of birth relationships and the creation of adoptive families. This Act took the philosophy of adoption to its logical extreme, irrevocably cutting off the birth mother from her child. The legislative changes which occurred in 1955 were due to a number of issues, such as women's sexuality, motherhood and the family. A period of increased prosperity following the Second World War meant that women who had worked during the war returned to the home as returning soldiers filled their places. The post war increase in the birth rate for unmarried (as well as married) women contrasted sharply with the ideal of the quarter acre paradise. Motherhood was raised to the status of a career. The ideal of motherhood and family life was stressed and adoption secrecy was regarded as a measure which would not only protect the adopted person and their adoptive family but also the birth mother.⁶

The final terminal date, 1985, reflects the state of current adoption legislation. The *Adult Adoption Information Act, 1985* marks the most recent legislative boundary and the end of the closed adoption era, providing adopted adults and birth parents with access to adoption information. The 1985 Act is

⁶The importance of women's role in the family at this time has been termed the 'cult of domesticity'.

commonly seen a liberal response⁷ to the changing needs of those involved in adoption; as an indirect consequence of demographic factors, the introduction of the Domestic Purposes Benefit in 1973, increased access to reliable birth control, abortion; changing attitudes to what constitutes a family;⁸ children's rights and the rights of the adopted adult, and finally, the rights of birth parents and birth mothers especially. The 1985 Adult Adoption Information Act brings us to a contemporary understanding of adoption policy and practice. The Act also has implications for the directions which future policy is likely to take.

David Novitz highlights the differences (and confusion) between popular perceptions of social life and forces which appear to act independently of those perceptions.

What is misleading are the limits of what we can sense around us. For example, the daily experience that women do the work of child care in our society is the basis of the ideology that women are *naturally* disposed to perform this task. The real social mechanisms which tie women to it are thus obscured by the *visible forms* the experience takes.⁹

Several distinct stereotypes of birth mothers have influenced the

⁷ Refer Iain Johnstone for this view of adoption legislation.

Iain Johnstone, "Is adoption outmoded?" *Otago Law Review* 6 1 (1985): 15-49.

⁸New Zealand's welfare system is based upon the family as the fundamental economic and social unit; this is recognised by "the payments made in respect of the otherwise ineligible but dependent spouse and children of a beneficiary; and the taking into account of the income of the spouse (legal or de facto) of a beneficiary when assessing the amount of those benefits subject to an income test."

New Zealand Department of Statistics, *New Zealand Official Yearbook 1986-87*, 197.

⁹David Novitz et al, *Culture and identity in New Zealand*, (Christchurch: GP Books, 1989), 21.

directions my research has taken. First is the myth that birth mothers are somehow irretrievably 'bad'. This perception was most prominent up until the fifties and was then replaced by a second perception, that birth mothers were redeemable, as long as they put the experience of the adoption, and their child, behind them. An Auckland birth mother stated:

At that stage unmarried mothers were the subject of myths-- we all knew they were immature, irresponsible, lax, promiscuous and probably psychologically disturbed individuals who couldn't wait to get rid of their encumbrance.¹⁰

The idea that birth mothers would begin again after the adoption contributed to a third myth. This myth stated that birth mothers would forget the child they had adopted out. Thus the grief and pain at losing a child was denied to birth mothers.¹¹ Finally is the myth that birth mothers did not love or want the child they gave birth to. The lack of financial and community support meant that unmarried motherhood was not an option available to most women. Birth mothers were talked about but could not speak for themselves in a society which approved only of their silence. Each of these stereotypes originate from a patriarchal perspective of women and their place in the social order; as wives first and mothers second.

The existence of patriarchy does not preclude alternative analyses of our social and historical context. The theoretical

¹⁰Oliver Riddell, "Mother tells of pressure to 'adopt out'," *Press*, 14 February 1985, 14.

¹¹Winkler and van Keppel have likened the loss of a child through adoption to death. However, birth mothers cannot grieve for a birth that was not supposed to have happened. Robin Winkler and Margaret van Keppel, *Relinquishing mothers in adoption: Their long-term adjustment*, (Institute of Family Studies Monograph No 3, Melbourne, May 1984).

underpinning of this thesis is taken from a number of sources, from feminist historians and social scientists, to the historiography of Michel Foucault. Alison Jaggar provided useful analyses of different feminist theoretical approaches. Other useful works were Jill Julius Matthews' examination of femininity as a social construct; Greer Litton Fox's analysis of the 'good woman'; Anne Oakley's interview techniques and methodology, and Jane Vanderpyl who generously provided me with a copy of her conference paper which critiques Oakley's work. There is also the foundation-laying work of Kate Millett in *Sexual Politics*; Rosalind Petchesky's analysis of abortion; Carol Smart's analysis of law's power over women (and Iain Johnstone for my first insights into the law of adoption); and finally, Michel Foucault, for his view of history as local and specific analyses and not a deterministic 'grand picture'. Alison Jaggar's book, *Feminist politics and human nature*, was especially useful as a starting point for my understanding of adoption as part of wider social processes.

The traditional view of the adoption process has been liberal, rather than conservative. The assumptions liberal theory makes about human nature are radically individualistic. As individuals, however, we share a common 'essence', that is the 'uniquely human capacity for reason'.¹² Together with certain

¹²This liberal concept of reason is influenced by the traditional Western association between reason and goodness. This view emerges in the view held by some liberals that rationality consists in the human ability to recognise the validity of the moral law. Other liberals (this is the more dominant strand of the liberal interpretation of reason) is the instrumental conception associated with the rise of seventeenth century science; on this conception rationality consists in individual's ability to be consistent in pursuit of their own

values which lead liberals to their conception of the 'good' society, the liberal conception of human nature allows the individual to fulfil their potential.¹³ Thus the 'good' society is good because it protects the dignity of each individual and promotes individual autonomy and self-fulfilment. However, liberals also believe that every society contains a "built-in likelihood of conflict between competing individuals."¹⁴ Given this, the fundamental problem for the liberal theorist is to devise social institutions that will protect each individual. Liberal answers to this dilemma are framed in terms of justification and delimitations of the power of the state.

However, the relationship between the individual and the state is problematic.¹⁵ A conflict of interests occurs, as in the debate over the Adult Adoption Information Act with the birth mother's 'right to privacy' and the adopted person's 'right to know'. This awkwardness also marks the division of the public and private spheres. The 'public' sphere is susceptible to state regulation while the 'private' sphere is not. This includes the protection of what is private by the state. "The liberal insistence on an inviolable private sphere of human life is sometimes characterised as 'the right to privacy.'"¹⁶

The history of liberal political theory can be seen as a

ends.

¹³Alison Jaggar, *Feminist politics and human nature*, (Totowa, N.J.: Rowman and Allanheld, 1983), 173. Emphasis added.

¹⁴*Ibid.*

¹⁵The state is supposed to protect the individual.

¹⁶Jaggar, *Feminist politics and human nature*, 174.

philosophical rationale for the enlargement of the public realm and the extension of the responsibility of the state; hence the so called 'welfare state'. What has also been extended is the power of the state. The state is supposed to be a politically neutral tool and is expected to refrain from intervention in the private lives of individuals and from imposing moral values which would threaten individual autonomy. But at the same time, it is seen to be the state's responsibility to impose just burdens and to allocate just benefits to individuals, both in the political and the economic realm.¹⁷ However, such intervention by the state exceeds these political and economic boundaries and intrudes into the realm of family life.

Historically, the state has played an increasing role in helping individuals to exercise their rights, for example, through legal aid, progressive taxation and welfare programmes. Adoption is a case in point. Through the adoption process liberal ideology has denied women control of their own destinies and their own bodies. The increasing involvement of the New Zealand government in the lives of its citizens at the end of the nineteenth century encompassed previously informal and unregulated adoption practices. The *Adoption Act, 1881* contained measures which were to extend the state's control over women. The Act created a group of women whose existence was consistently ignored and denied, sometimes even to themselves, a group we now know as birth mothers.

Thus the role of the state in guaranteeing the autonomy of the individual is not necessarily impartial nor 'just'. The

¹⁷*Ibid.*, 175.

state's concern for the autonomy of the individual masks the oppression of groups of people. For example, even though the state's involvement looks and has been labelled "socialistic", Jaggar shows that:

. . . the concern with justice remains a typically liberal preoccupation, in-so-far as it rests on a conception of society as composed of essentially separate individuals, each competing with the others for his or her 'fair share'.¹⁸

Although liberals uphold the right to self fulfilment for every individual, whatever that may be, in practice liberals tend to accept conventional accounts of happiness. Because most individuals want socially defined goods and positions, then generally the happiest of individuals are those who achieve that which most people want: wealth and social prestige. The result is that liberals accept, and more importantly, maintain, the status quo.¹⁹

In the same way, adoption secrecy has contributed to the oppression of birth mothers in adoption. However, liberals express secrecy as a liberal concern for the 'privacy' of the individual. This excerpt from the *New Zealand Womans Weekly*, in an article called "Privacy of the birth mother paramount," illustrates the typically liberal concern for privacy:

. . . Tarawera MP Ian McLean and Gisborne's Bob Bell . . . represent a significant group in Parliament [who believe] the privacy of birth mothers is paramount in the adoption

¹⁸*Ibid.*

¹⁹*Ibid.* The implication of this explanation of liberal theory and practice is that the (patriarchal) status quo is maintained by sheer inertia. Instead, I think that the relations of power are continuously recreated, so that the 'status quo' is a dominant 'stream' of power relations which reacts to different currents which challenge its dominance.

debate.²⁰

However, the extension of birth mother's right to privacy would continue women's invisibility. Those who voted against the (then) Adult Adoption Information Bill:

. . . are expected to support Ian McLean's proposal for adoption information to be given only if both biological parent and child have signalled a willingness for it to be disclosed; and any breach of that privacy could be treated as a punishable offence.²¹

Thus the ideal of the good society restricts women's social visibility. In adoption, the attempts the state has made to protect birth mothers from 'shame' emphasizes the contradiction inherent in liberal theory. But this flaw is not limited to theory alone; it touches people's lives. In the same way, the ideal of femininity maintains the ideal of the 'good society'.

For women the liberal ideal of femininity involves a host of prescriptive and often contradictory standards. The liberal conception of reason is normative as well as descriptive. Those who do not succeed have failed to use their reason and are not just different from those who succeed; they are regarded as *deficient* because they have failed to reach their uniquely human potential.²² Somewhat ironically, success is both a right and a responsibility. In order to be 'successful' the individual has to live up to certain ideals.

²⁰Jenny Wheeler, "Privacy of the birth mother paramount," *New Zealand Womans Weekly*, 31 (October, 1984): 32-34.

²¹Including Prime Minister Robert Muldoon, leader of the House David Thomson, Health Minister Aussie Malcolm, Deputy Prime Minister Duncan McIntyre and Hamilton MP Mike Minogue. *Ibid.*

²²Jaggar, *Feminist politics and human nature*, 32-33.

The control of the population in early colonial New Zealand is a major entry point for the state's involvement in women's lives. At first, migration was the chief contributor to New Zealand's (white) population, but by the end of the 1870s natural increase²³ had replaced migration as the major source of population growth. The decline in the birth-rate of the 1880s led to calls from Parliament to the young men and women to 'do their duty' for their country and to marry and begin a family.

Thus adoption was invested with a moral character because it helped contribute to the good and morally desirable society, by creating the 'family unit' which has, and still is, seen as the basic building block of New Zealand society. Chapter III examines the legislative history of adoption from 1881-1955, before the passing of the *Adoption Act, 1955*, in terms of population ideology. It shows how adoption contributed not only to the 'good' society but to a strong and prosperous nation. Adoption involved the prescription of women's roles by reaffirming the patriarchal family as the only acceptable context for childbearing and childrearing. Although I focus mainly on women and the family, the concerns of population ideology were much wider. As Jill Julius Matthews notes, population ideology was:

manifested in defence and foreign trade; in state intervention in matters of education, welfare, industrial relations and rural prosperity; in economic debate over free trade and protection, religious debate over purity and decadence, scientific debate over evolution and degeneracy, political debate over socialism and liberalism; and in the secret knowledge of the expanding professions--law,

²³The term 'natural increase' refers to the changing birth rate as the major factor in population change, rather than migration.

medicine, town planning, psychology, social welfare, economics.²⁴

Changes to adoption law increasingly emphasised the adoptive relationship over the birth relationship and in the process invalidated the experiences of birth mothers.

Prior to World War Two all children (of European descent) came to be seen as potentially valuable future citizens, and therefore worth rescuing from poverty and homelessness.²⁵ Statistics charted an increase in adoptions in New Zealand after World War Two, and these records monitor its growing acceptance in New Zealand society. Else states:

In the immediate post-war years, the circular logic of developing nuclear family ideology introduced a new dimension. It insisted that all children needed both a breadwinning father and a stay-at-home mother, so they could grow up correctly adjusted to their natural gender roles.²⁶

In its identification of the nuclear family as 'normal' the developing ideology identified variations on the model as abnormal. Foucault described the power of the modern state as ascribing value to people only as far as they were useful to the (patriarchal) state. Adoption was and is a practice which aids the creation of the (adoptive) nuclear family; which contributed the production of future workers to contribute to the wealth of the country; gave the 'fallen' woman the chance to 'get on with

²⁴Jill Julius Matthews, *Good and mad women: The historical construction of femininity in twentieth-century Australia*, (Sydney: George Allen and Unwin, 1984), 74-75. Jill Julius Matthews examines the creation and maintenance of Australian femininity. Especially useful is chapter five, "Ideology," 74-91.

²⁵Much of the support for closed adoption has been couched in terms of an investment in children as future citizens. *Ibid.*

²⁶Matthews, *Good and mad women*, 74-75.

her life' and absolved the state of its financial responsibility for both the child and the single mother. Adoption helped birth mothers conform to the good society, and reproduced the relations of patriarchy.

By the fifties birth mothers were no longer seen as irretrievably bad. Adoption created a family for 'suitable' adopting couples, and gave birth mothers a second chance at a family of their own without the stigma of an illegitimate birth (as they were then termed).²⁷ A birth mothers' grief was ignored and the fact of her pregnancy and motherhood was obscured. She had become a legal non-entity. In population ideology motherhood was a reward, but unmarried women were deemed unfit for motherhood. Adoption was the punishment for their non-conformity. Chapter IV continues the examination of adoption's legislative history, from 1955-1985 inclusive. This periodisation incorporates the final landmarks in adoption law; the *Adoption Act, 1955* and the *Adult Adoption Information Act, 1985*.

At a more specific level birth mothers have been judged by the same 'moral' (patriarchal) standards which approve of and support closed adoption. In liberal ideology birth mothers have posed a problem for the liberal ideals of women's sexuality, motherhood, marriage and the family by their non-conformity to the status quo. The solution, adoption, is a response which emerged from liberal ideology.

Demographic changes have also contributed to changing

²⁷The 'complete break' theory of the fifties stated that the break between a birth mother and her child should be complete and irrevocable.

adoption policy and practice. Chapter II provides a demographic overview of (pakeha) women's changing position in New Zealand society. This chapter gives a generalised context for the specific experiences of birth mothers and shows how the experiences of birth mothers fit into a context of population change. This chapter draws on statistical analyses as well as historical accounts of women in New Zealand.

My aim in this thesis is to make the experience of birth mothers visible and valid. In order to do this I have utilised techniques from different disciplines. From the available secondary sources, particularly from a social work perspective, and from primary material; from letters, interviews, adoption support group meetings, the 1990 Adoption Conference and research interviews and surveys,.

David Hughes' help was invaluable as I took my first tentative steps into survey methodology. We discussed the relative merits of surveys and (taped) interviews. I finally decided on a format which would emphasise the interviews rather than the surveys. We were both doubtful of the relevance of a survey format and I was unsure of the questions I needed to ask. Surveys lent themselves more to quantitative analysis, which was clearly not appropriate in this case.²⁸ Further discussion with David over the relative merits of surveys and interviews

²⁸I have encountered various difficulties in the course of my research. I have had difficulty with achieving what is known as a 'representative' sample of people. The issues are still too close and too personal. The absence of data speaks as much as its presence and for each women who talked with me there are hundreds more. Leigh Langridge encountered similar difficulties in her thesis, "Adoption: The birth mother's experience." (M.A. thesis in Psychology, University of Auckland, 1984).

convinced me to try a compromise. I would rather not have relied on surveys at all but as I was unsure of the response, I felt that the anonymity of a survey would be initially less intimidating for birth mothers. Due to the 'delicate' nature of my enquiry I had decided early on that the birth mothers who would take part would have to be self selected.

My rationale was to let birth mothers speak for themselves. Consequently, I arranged an interview with a reporter from *The Press*, detailing my research and asking birth mothers to write to me if they were willing to share their experiences.²⁹ My consequences were exceeded beyond expectation. In notes dated the 21 May, two and a half months after the article appeared in *The Press*, I had written "even now . . . I am still receiving letters. Surveys are still being returned".³⁰ I had anticipated perhaps 20 replies from birth mothers, of which perhaps 5 would be willing to be interviewed. Instead, I received 69 responses to the article, and 30 survey responses. Of these I eventually conducted a total of 21 interviews; 13 interviews with birth mothers; 4 interviews with adoptive parents; 3 interviews with adopted women; and 1 interview with a birth father. Unfortunately, I was unable to see all the women who requested an interview due to restrictions on my time and lack of funding. Although the response was overwhelming, at the

²⁹A copy of the article which appeared in the *Press* is contained in Appendix A.

³⁰Personal notes, 21 May 1990. Replies came not only from Christchurch but from all over the country, with one letter from an adopted woman in Australia. Unfortunately, the article had been released on nationwide release, accidentally, by Susanne Keen. In Nelson the article was printed as a 'human interest' story on the home and away page.

same time it was very encouraging. Many women gave me their time and personal energy in interviews that were often lengthy and emotionally draining. Their contribution has been invaluable.

Ann Oakley's article had alerted me to the problematic nature of research interviews with women and the relationship of the research interview to the positivistic research tradition which regards the interviewer as an objective collector of information, outside of what the 'subject' experiences. Instead, Oakley emphasised personal involvement in the research interview, striving for what she calls 'rapport' or the promotion of a non-hierarchical relationship. Although I followed Oakley's format, in that each interview was informal and loosely structured, I was still conscious that the interview involved a very distinct set of relations. The birth mothers I interviewed were all much older than I. They were speaking to me as a researcher, but often also as an adopted woman. The 'balance of power' was constantly changing. The shifting dynamics of power emphasise the instability of the power relations in the research interview, which are influenced by age, race, language and class, among other factors.

The historiography of adoption in New Zealand is limited for the period from 1955-1985. The only historical works are Anne Else's articles, "The Perfect solution: Adoption Law and Practice in New Zealand," (1987), "'The need is ever present': The Motherhood of Man Movement and Stranger Adoption in New Zealand," (1989) and Keith Griffith's work; *Adoption: procedure, documentation, statistics: New Zealand, 1881-1981, 100 years*, (1981). Keith Griffith's book provides important demographic

data up until 1981. Other secondary sources on adoption, in the fields of social work, law and medicine have limited applicability. Anne Else is probably the only recent historian to have considered adoption in New Zealand. Joss Shawyer (a founding member of Jigsaw), Jenny Rockel and Murray Ryburn (social workers), and Ann Howarth have all contributed to New Zealand's adoption literature. However, this work is, in the first instance is not an academic work, and in the second two instances, are popularist, again not academic studies (in Rockel and Ryburn's because of the sheer bulk that they attempted to cover, and in Howarth's because it is mostly descriptive, chronicling interviews, and lacks any real analysis).

Else sees adoption as the practice of what Michel Foucault calls "bio-power". Adoption is a case in point, built on the erroneous assumption of women's moral power over men: "the almost absolute power to control sexual relations with men"³¹ which did not exist.³²

Else traces the experiences of women in adoption from pre- to post-World War Two New Zealand. As is always the case different factors combined in the construction of adoption practice in New Zealand over time. In pre-war New Zealand women were condemned for their failure to exercise their moral power to say "no" to sexual advances, and punished by having to care for their children alone. Else points out that: "a socially--

³¹Anne Else, "'The Need is Ever Present': The Motherhood of Man Movement and Stranger Adoption in New Zealand," *New Zealand Journal of History*, 23, no. 1 (April 1989): 66.

³²Anne Else's Ph.D on adoption is forthcoming.

constructed situation [was turned] into a personal dilemma."³³

But how was the separation of mother and child achieved? Else shows how often, economic necessity and the censure of her parents were more than enough to convince a woman to give up her child. It was virtually assumed that the woman put her child up for adoption, indeed its practice was often referred to in terms of the 'business of adoption'³⁴, it was a practice which was seen as both normal and necessary.

Chapter V addresses adoption from 1955-1985 as a form of social control, comparing the politics of birth control and abortion with adoption law and practice. This chapter also examines the power of adoption law over birth mothers and uses interview excerpts to illustrate the effects of adoption. My aim in this study is to lay bare the issues which I understand to be at the heart of adoption policy and practice; to look at both the structural aspects of adoption and the role it has played within New Zealand's social structure.

Adoption has reproduced reality for a large cross-section of New Zealand society for a long period of time. The issues surrounding adoption; motherhood, sexuality and the family, have become increasingly problematic for large numbers of people in New Zealand. We can begin to see how much of the sexual--supposedly private and sacrosanct--is controlled by social forces far larger than the individual or even the family unit. This is where research into adoption can be of most use. My goal is to

³³Else, "'The Need is Ever Present'," 66.

³⁴*Ibid.*, 67. The fact that the process is described in economic terms is not unusual and I think reflects how much adoption was seen as a 'normal' procedure.

better comprehend what underlies adoption policy and practice; the relations of power which support the law and practice of adoption in patriarchal society. My research is conducted because I want a greater understanding of the assumptions about the family, women's sexuality and motherhood which inform our daily lives. To do this I focus on single mothers whose child was adopted by 'fit' parents.³⁵ Chapter VI examines the implications for post-1985 adoption law and practice; considering open adoption, private and intercountry adoption, and finally, the New Reproductive Technologies.

There are a number of terms I use throughout the study which deserve special mention. 'Birth mother' refers to those women who gave up a child or children for adoption.³⁶ 'Birth mother' is the term most commonly used. The term 'adoption' I use to refer specifically to stranger adoption, that is the adoption of children by persons who have no prior relationship. The term 'open adoption' refers mainly to adoption practice after

³⁵I find it ironic that the majority of adoption literature is not concerned with the birth mother--who can not speak for herself--but for the adopted child. Birth mothers deserve more attention from researchers and policy makers; they too have to live with the consequences of adoption. How many studies are titled "Adjustment of the birth-mother", or "Birth mothers and their families", or "Post Placement Functioning of Birth Mothers", "Behaviour Characteristics of Birth-Mothers Known to Psychiatric Outpatient Clinics"? Recognition of the oppressive and political nature of adoption is a major step, but it is not enough. Policy must also constantly appraise and reappraise changes in the social context; aware that while it is often a response to changing ideas it also shapes public perceptions. Policy decisions must not be regarded as static and unchanging but must reflect concerns which change over time, and those concerns which reflect the diversity of experience within each New Zealander's life.

³⁶For an explanation of my use of the term 'birth mother' refer Appendix C.

1985, although there are instances of open adoption which predate 1985. There are various other terms; 'natural increase' refers to the number of births divided by the number of deaths (as opposed to a change in population due to net migration); the term 'population ideology' refers to a set of assumptions which cohere into policies about the family and especially, here, about women. At a more general level, 'patriarchy' refers to the social structure which I perceive to be male dominated and which reflects the perspective I employ in this study, focusing on issues of gender, rather than issues of class or race.

Much has still to be done. For example, I have not included an analysis of the position of Maori birth mothers in New Zealand adoption. None of the women I interviewed were Maori women and I hesitate to extend my conclusions about adoption to the Maori when the evidence suggests that their experience of adoption is qualitatively different to Pakeha.³⁷ I can only suggest that this is work waiting to be done.

The relation of the topic to its wider historical context is immediately apparent. Adoption ties in closely with some very important issues. Motherhood, women's 'place', birth control, and indeed women's control over their own bodies and

³⁷The historical trends I examine relate in greater part to the non-Maori segment of the New Zealand population. Maori comprise only a small percentage of the total New Zealand population, less than 9 per cent in 1981. Because of the small numbers involved, high Maori fertility rates (until recently) had only a relatively small contribution to total births in a year, and only a minor effect on the fertility level of the total population: "Although the compulsory registration of Maori births was legislated in 1912, reporting remained incomplete until after the Second World War. Moreover, the necessary information on age, marital status and other demographic characteristics of the mother was not collected for Maori births until 1962." *Population of New Zealand*, 153.

their lives are issues which existed for women before New Zealand's first adoption legislation was passed and exists today. Adoption's relevance as a social issue should be reflected in the attention of those who are involved in policy decisions.

Although adoption as it has been commonly known for the past thirty years is becoming scarcer it is being replaced today by the new birth technologies. Similar issues are involved. Above all, adoption has functioned as a form of social control over birth mothers. Its effects are long lasting and virtually irrevocable.

CHAPTER II

Profiling New Zealand Women

There are a certain number of conditions to be met before I can progress to an examination of women's particular oppression within adoption.¹ First, it is necessary to establish the changing conditions of women's lives, from New Zealand's earliest colonial history until the mid 1980s. This chapter profiles women in terms of demographic data, concentrating on natural increase and women's involvement in reproduction. In order to establish trends over I focus on demographic changes which have created generalities from the specific experiences of women in New Zealand.²

My second task is to compare these trends of women's experience with available data on adoption rates; particularly statistics with respect to birth mothers. In identifying commonalities of experience, I am not attempting an overarching theory of women's oppression. Rather, my goal is to gather together the implications for women's general experiences. Patterns emerge, and conclusions will be drawn about the conditions of women's lives which have contributed to adoption law and practice.

¹This analysis does not extend to issues of race but focuses entirely on the experiences of pakeha women. Maori adoption is a completely different system which involves a whole different set of assumptions about the family and children.

²The New Zealand *Census* and *Official Yearbooks* have been especially useful.

Table I

TOTAL NEW ZEALAND POPULATION, 1858-1986 CENSUSES

<i>Census*</i>	<i>Intercensal increase</i>			
	<i>Total population</i>	<i>Number</i>	<i>Percent</i>	<i>Annual average (%)</i>
1858, 24 Dec	115,462
1874, 1 Mar	344,984
1878, 3 Mar	458,007	113,023	32.76	7.33
1881, 3 Apr	534,030	76,023	16.60	5.10
1886, 28 Mar	620,451	86,421	16.18	3.07
1891, 5 Apr	668,651	48,200	7.77	1.49
1896, 28 Mar	743,214	74,563	11.15	2.13
1901, 31 Mar	815,862	72,648	9.77	1.89
1906, 29 Apr	936,309	120,447	14.76	2.75
1911, 2 Apr	1,058,312	122,003	13.03	2.52
1916, 15 Oct	1,149,225	90,913	8.59	1.50
1921, 17 Apr	1,271,668	122,443	10.65	2.27
1926, 20 Apr	1,408,139	136,471	10.73	2.06
1936, 24 Mar	1,573,812	165,673	11.77	1.13
1945, 25 Sep	1,702,330	128,518	8.17	0.83
1951, 17 Apr	1,939,472	237,142	13.93	2.31
1956, 17 Apr	2,174,062	234,590	12.10	2.31
1961, 18 Apr	2,414,984	240,922	11.08	2.12
1966, 22 Mar	2,676,919	261,935	10.85	2.11
1971, 23 Mar	2,862,631	185,712	6.94	1.35
1976, 23 Mar	3,129,383	266,752	9.32	1.80
1981, 24 Mar	3,175,737	46,354	1.48	0.29
1986, 4 Mar	3,307,084	131,347	4.14	0.82

*Omits censuses of 1861, 1867 and 1871 as censuses of Maori population were not taken in these years.

The year 1840 is taken as the first terminal date for this chapter as it marks the beginning of the systematic colonisation of New Zealand.³ Prior to 1840 New Zealand's population had consisted of indigenous Maori and European whalers, sealers, traders and missionaries. The population grew rapidly in the first years of colonisation; from the 1858-1881

³Immigration originated predominantly from the United Kingdom. New Zealand Department of Statistics, *New Zealand Official Yearbook 1990*, 126.

censuses the population more than quadrupled.⁴ The 1840s were the turning point in the growth pattern of the country's population. These years saw a rapid increase in the number of European immigrants, which coincided with the beginning of organized settlement of New Zealand.

Women came to New Zealand predominantly as domestics or 'male dependents'. Of the 220,328 females in the colony in 1881, 220,312 were listed in the tables of occupations; 194,538 or 88 per cent of the European women performed 'household duties'.⁵ As dependents women did not have an autonomous existence or history. Indeed, as Helen Simpson noted in the preface to her book *The Women of New Zealand*, it is difficult to separate women's experience from men's.⁶ Simpson wrote: "The story of the women of New Zealand, especially in the early years, is largely the story of the men of New Zealand. . . ."⁷ Accordingly, statistics and demographic data have categorised women according to male standards. For example in her book *Counting for Nothing: What men value and what women are worth*, Marilyn Waring comments on the continuing invisibility of women:

. . . a question on (unpaid) household work was not included in the 1986 New Zealand census. But a separate question on "main activity" was in. The exact wording was, "What is your main work or activity?" The possible answers were as follows:

1. home duties--looking after children

⁴Table I shows New Zealand's total population growth for the period 1858-1986

⁵New Zealand Department of Statistics, *Census of New Zealand 1881*, 2.

⁶Helen Simpson, *The Women of New Zealand*, (Wellington: Department of Internal Affairs, 1940).

⁷Simpson, *The Women of New Zealand*, 146.

- 2.home duties--not looking after children
 - 3.full-time student
 - 4.retired
 - 5.unemployed
 - 6.paid job, business, farming, or profession
 - 7.unpaid work in a family business
 - 8.other (such as hospital patient). Please state _____
- Well, answer that. Many women I know should tick number 8 and write "1,2,5, and 7 of the above: 110 hours a week."⁸

The four decades following 1840 saw an ebb and flow in migration rates. In the 1850s and 1860s the population growth was even more rapid, due to high immigration levels. Continuing settlement and the economic boom from the gold rushes in Central and Westland from 1861-1865 produced the highest recorded net gain in population through immigration in New Zealand history. The influx was again predominantly male. However, the 1860s saw the conclusion of the goldrushes and an economic downturn with an accompanying level of reduced net immigration and slower population growth. This was temporarily offset by extensive borrowing to expand public works, introduced by the (then) Prime Minister Sir Julius Vogel, and 1876 saw New Zealand's highest annual level of net population inflow. Net immigration had resulted in doubling the population during the 1870s and by 1880 New Zealand's population had reached 500,000. However, during the 1880s, population growth rates were significantly lower; New Zealand was experiencing an economic depression and from 1886 till 1891 the first loss was recorded for New Zealand's (white) population. The *Adoption Act, 1881*, was a response to conditions of increasing poverty and the plight of deserted children.

In the first years of European settlement immigration was

⁸Marilyn Waring, *Counting for Nothing: what men value and what women are worth*, (Wellington: Allen and Unwin, 1988), 116-117.

the major factor in population increase. During the gold rush years, 1861 to 1864, the net population increase per year was 20 per cent; 17.6 per cent was due to immigration and the remaining 3.4 per cent to natural increase. It was a society, ". . . prepared to change aspects of the imported heritage to further immigrants' dreams of a land of opportunity for all."⁹ Early New Zealand colonising efforts were seen as an 'experiment in nation building' because immigration to our isolated country required an added incentive, therefore New Zealand's 'nation builders' could pick and choose whose fares they would pay.¹⁰ Population control was achieved through selective assistance to immigrants. The principle of speedy assimilation into New Zealand society was a major influence on government immigration policy and a basis for a 'white New Zealand' policy.¹¹ Although migration has had a big impact on New Zealand's population, since the end of the 1870s natural increase has been the greater influence on population

⁹*Population of New Zealand: Economic and social commission for Asia and the Pacific*, (Country Monograph Series No.12 Vol.1, N.Y.: United Nations, 1985), 54.

¹⁰The cost to travel to New Zealand was too high for all but the richest.

¹¹Only after World War Two has non-white immigration increased with Polynesian immigrants highlighting the multi cultural aspects of our society. However, the influx of Chinese presented a threat to New Zealand's immigration policy and resulted in restrictive legislation in 1881 to promote ethnic homogeneity in New Zealand's population. Immigrants were supposed to make the country prosperous and fulfil the country's potential, but this was only achieved by a large population eg immigration or natural population increase. However, desirability was a vague concept designed to reinforce a 'white New Zealand' policy.

change.¹²

The changing structure of the population according to birthplace reflects the transition from colonial outpost to a settled, developed and independent country. In 1881 the distribution of overseas and New Zealand born citizens was approximately equal, at 50.2 per cent and 49.8 per cent respectively. By 1886 over half of New Zealand's population were born in this country. This change was the result of the increased contribution of natural increase to population growth and the decline in the relative importance of net migration to population increase.¹³ Accordingly, the family became the target of population control. Charlotte McDonald reports on the high rates of natural increase during the early years of colonisation:

The high rate was in part a reflection of the youthful age structure and conjugal status of the adult female population. It was also a product of expansive social and economic conditions in which population increase was equated with economic growth.¹⁴

Adoption practices helped support protectionist attitudes towards the family from an early stage. The *Infant Life Protection Act*,

¹²From 1858-1989 net immigration has contributed 23 per cent of total population growth in New Zealand. Natural increase has contributed the remaining 77 per cent. Net immigration has never contributed more than two fifths of New Zealand's population growth.

New Zealand Department of Statistics, *New Zealand Official Yearbook 1990*, 136.

¹³*Population of New Zealand*, 14.

Most of the immigrants were from England (21.72 per cent, while 51.89 per cent New Zealand). As McDonald notes: "Despite wide regional variation, the colony was essentially British and was to maintain strongly those ties until the 1960s."

McDonald, "The Governing of Children," 73. New Zealand had been cast very much in a British mould.

¹⁴McDonald, *A woman of good character: Single women as immigrant settlers in nineteenth century New Zealand*, (Wellington: Allen and Unwin/Historical Branch, 1990), 157.

1893 set up the surveillance of adopted children as a part of an inspection scheme designed to safeguard children.

The 1890s and the first decade of the twentieth century saw a steady population increase and slow economic recovery. However, from 1911-1916 the growth rates again sustained a loss with the onset of war and reduced immigration. The resumption of the Government's assisted immigration scheme from 1921-25 contributed to over one third of New Zealand's population growth but by the 1920s and 1930s the rate of population growth fell.¹⁵ In this case short term declines in natural increase and net immigration were the basis for the fall in population growth. In 1935 the lowest crude birth rate in New Zealand's demographic history until that time was recorded.¹⁶

Returning population growth in the mid 1930s was short lived. During these years the number of adoption orders made followed declining growth rates. The Second World War saw an increase in mortality, the disruption of family formation and the postponement of marriages and childbearing, all of which prevented the complete recovery of fertility levels to pre-depression levels.¹⁷ Gains to the population through net immigration were also insignificant during the period. The population increase prior to 1945 varied greatly and coincided with a number of important trends. The changes can be attributed

¹⁵New Zealand Department of Statistics, *New Zealand Official Yearbook 1990*, 127.

¹⁶*Population of New Zealand*, 12.

¹⁷The 1936-1945 intercensal period recorded the lowest growth rate since statistics were first taken. New Zealand Department of Statistics, *New Zealand Official Yearbook 1990*, 127.

to successive phases of the country's social and economic development which influenced the above components of population change. These affected women's life experiences in a variety of ways; economically, in terms of their fertility, mortality and marriage.¹⁸ After World War II the "traditional paradigms" were shaped to encompass new realities.

The most obvious changes have come with the urbanisation of New Zealand's population.¹⁹ In 1886 the rural population stood at 56.5 per cent of the total population. The remainder, 42.46 per cent, lived in urban areas. By 1911 more than half of New Zealand's non-Maori population lived in an urban environment²⁰ and in 1985 the degree of urbanisation stood at 83.74 per cent of New Zealand's total population.²¹ It is probable that the process of urbanisation has contributed to a smaller family form. McDonald writes:

By the turn of the century . . . an increasing proportion of

¹⁸Population of New Zealand, 10.

¹⁹Even though the economy was still based largely on primary production there was also an increasing concentration of the population in the north of the country. The urban drift was probably due to the increasing mechanization of agriculture, reducing the labour required in that sector. However, the majority of the workforce is employed in the secondary (non-agriculture production and tertiary (service) sectors, which is probably a consequence of the intensive mechanization of agriculture, which has reduced the amount labour required in that sector.

²⁰Because agricultural mechanisation reduced the potential for employment in rural areas and necessitated the movement of the rural population to urban centres. More employment opportunities in expanding manufacturing and service sectors of the economy and also a wider range of social and cultural activities were offered in urban centres. From 1926 onwards the data for non-Maoris and Maori are available; however the general trends for 1926-45 were similar for Maori and non-Maori.

²¹There are, however, regional variations.

the population lived in towns and cities, either working for wages or dependent on someone who did so. More and more families contained three or four rather than five or six children.²²

The nuclear family has represented a more mobile social unit, readily adaptable to changing social and economic conditions. McDonald relates the growing importance of the family to a middle class consciousness in home life associated with an emerging national identity.

The 1870s mark the turning point for the demographic transition:

In the early colonial days, marriage was early, childbearing was frequent and modern contraceptive practice was uncommon. High masculinity of the early immigrant population--with men outnumbering women by five to two at ages 20-39 years--virtually ensured early marriages. The frontier conditions then existing also favoured large families. . . . However, non-Maori fertility levels started to decline in the 1870s, even before the economic depression of the 1880s. . . .²³

Between 1870 and 1892 the pakeha birth rate had decreased by one third and by the 1890s the average family size had dropped from 6.3 to 3.8 children, before urbanisation had taken hold. While it may not have triggered the transition it is possible that the severe economic recession of the 1880s could have induced many couples to have fewer children, so maintaining lower fertility rates.²⁴ However, it is also important to note that fertility rates continued to decline, even after the economic conditions

²²McDonald, *A woman of good character*, 170.

²³New Zealand Department of Statistics, *New Zealand Official Yearbook 1990*, 137.

²⁴The decrease in family size was probably a reflection of such factors as the development in New Zealand of family planning, a general desire among a growing number of couples for better living standards and social mobility.

had improved.²⁵ The decrease in fertility appears to be a trend which is to some extent unrelated to economic conditions.

Marriage at later ages became more common in the 1880s, possibly as a consequence of the increased parity of the sexes after the initial preponderance of males. Higher proportions of women married at later ages or did not marry at all. After a brief recovery in the birth rate at the beginning of the twentieth century New Zealand's fertility rate resumed its downward trend. By 1913 late childbearing (concurring with later marriage ages) was the prevailing norm.²⁶ By the thirties the fertility rate had dropped further. The 1990 *Official Yearbook* reports on the trend to decreased marital fertility:

Where 30 percent of women born in the late 1870s had borne five or more children, among those born in 1902-06, who were at peak childbearing ages during the Depression, the corresponding figure was only 14 percent. The trend was to smaller families of one or two children.²⁷

The year 1935 saw a record low for births, at 2.2 per woman, barely enough to replace the population (without net migration). However, recovery of the birth rate after the Depression was rapid and increased to 2.6 births per woman. After the lapse in rates during World War Two the birth rate increased sharply, to

²⁵*Population of New Zealand*, 153.

²⁶New Zealand Department of Statistics, *New Zealand Official Yearbook 1990*, 138.

²⁷*Ibid.*, 138.
 "Given the imperfect nature of the contraceptive methods then available, the recourse to abortion must have been widespread, and the McMillan Committee estimated that at least 20 percent of the pregnancies begun during the mid-1930s were terminated by abortion."
Ibid., 130.

3.6 births per woman in 1947.²⁸

In the post war years the marriage age again began to fall and marriage increased in popularity. Early childbearing and the shortening of birth intervals reinforced falling marriage ages:

The net result was soaring birth numbers, up from just over 27,000 in 1935, to about 42,000 in 1945 and to over 65,000 in 1961. Over 1.1 million New Zealanders were born between 1945 and 1964--the 'baby boomers'.²⁹

Just as suddenly as it had begun, the upward trend reversed in the early sixties. Demographers have suggested that the baby boom was only a temporary aberration in New Zealand's long term fertility decline and indeed, the 1980s have seen the resumption of the downward trend in fertility.

Within marriage the decline in fertility has shown itself particularly in two areas. The first is the delay in the birth of the first child. The delay in childbearing is not necessarily a consequence of the economic recession though perhaps it has been strengthened by an existing trend. The second factor affecting fertility within marriage is a tendency towards smaller families: ". . . childbearing and childrearing now occupy fewer years and a decreasing portion of the married lives of a growing number of New Zealand women."³⁰

At the same time life expectancy in New Zealand changed

²⁸*Ibid.*, 138.

²⁹*Ibid.*, 139.

³⁰New Zealand Department of Statistics, *New Zealand Official Yearbook*, 980.

dramatically over the last century.³¹ The statistics show that from 1880-1892 woman had a life expectancy at birth of 57.3 years; that increased to 61.3 years by the time she reached 1 year. Graph I shows how the infant mortality rate has decreased by the most significant margin of early childhood death rates.³² These figures highlight the importance of infant mortality rates for life expectancy and are a crucial indicator of the general standards of living.³³ The 1951 Census reported that:

The improvement in life expectancy has been greatest for infants under a year old. . . . The narrowing of the gap between life expectancy at birth and at one year from 1880-1952 highlights the outstanding improvement in mother and infant care over the seventy-year period and the consequent decrease in infant mortality rate.³⁴

In general, reliable perinatal data has been available only for developed countries and only since the Second World War. Early statistics are notoriously unreliable, and are useful only to establish trends, which are of interest here. The declines in infant mortality resulted from a number of factors; the nineteenth century social and economic change and the decline in the birth rates; health care programmes, which generally involved improvements in maternity services; public health measures; and health administration (which was accompanied in the 1940s by the establishment of a health infrastructure and medical technology).

³¹Although until the thirties New Zealand experienced the lowest mortality rates in the world, today New Zealand lags slightly behind international life expectancy rates.

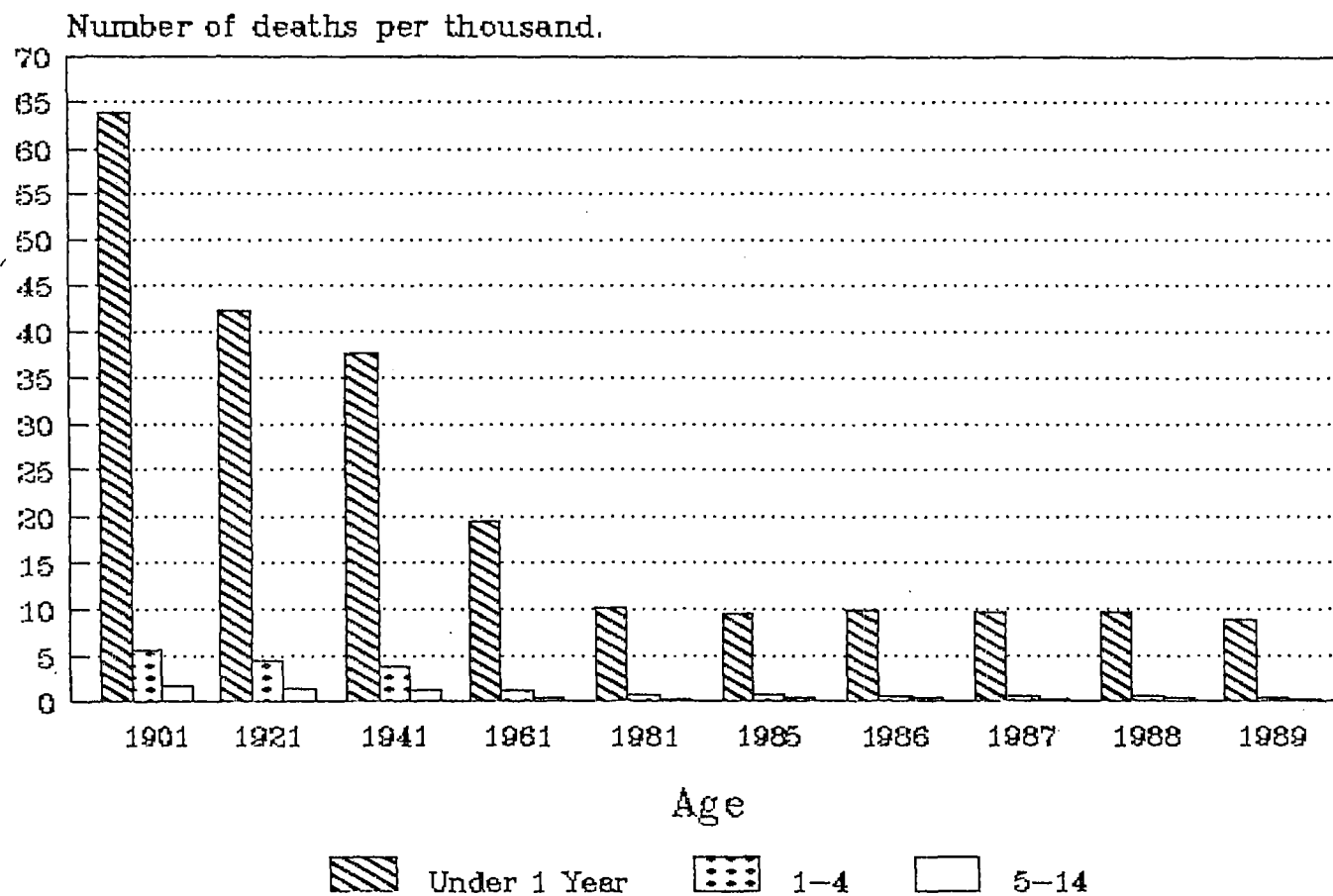
³²The decrease is true for both men and women.

³³*Population of New Zealand*, 243.

³⁴New Zealand Department of Statistics, *Census of New Zealand 1951*, 6, vol.VIII, General Report. Life Tables, 170-172.

GRAPH I

Death Rates For Females



Medical technology has played a critical role in the decline in Maori infant mortality which occurred in the post-war period, and the decline in perinatal and neonatal mortality in the late 1970s for both ethnic groups.³⁵

In the early 1920s New Zealand held the second worst record of the Western developed countries for its maternal mortality rate.³⁶ Maternal welfare was an emotive issue of great ideological significance and was linked to the contemporary concern with eugenics and 'national efficiency'.³⁷ High maternal and infant mortality became social and medical issues of national importance. Thus in the twenties and thirties steps were taken to reduce the risks of child birth. By 1932 New Zealand appeared to have reduced the death rate from puerperal sepsis--a major cause of infant death--more than any other of the eight nations which compiled their statistics according to the same system.³⁸

The decrease in maternal mortality also marked the increasing control over childbirth by the medical profession. However, the focus of the medical professionals was a narrow one. The reduction of maternal mortality did mean better conditions for women, but the medicalisation of child birth had come about because of a desire to prevent those conditions which led to death and not wider ranging problems. The medics looked no

³⁵*Population of New Zealand*, 268.

³⁶These figures did not include Maori women.

³⁷Philippa Mein Smith, "Mortality in Childbirth in the 1920s and 1930s," chap. in *Women in History: Essays on European Women in New Zealand*, ed. Barbara Brookes, Margaret Tennant and Charlotte McDonald, (Wellington: Allen and Unwin, 1986), 137.

³⁸*Ibid.*, 137-139.

further than the reduction of the damaging statistics.³⁹

However, the improvement in the health of pregnant women had come from environmental rather than medical advances. The introduction of sulphonamide in the late 1930s, followed by penicillin and broad spectrum antibiotics in the forties and fifties came after New Zealand's decrease in maternal mortality. The Health Department had long aimed to attain parity with the Netherlands' superior figures, and in 1932 New Zealand first succeeded in surpassing the Dutch figures on maternal mortality.

The long term effect of the messages women were receiving from Doctors was that childbirth took place in hospital, and that a doctor's presence was desirable.⁴⁰ This was achieved through reducing the threat of sepsis and the control by doctors of pain relief and the resultant increase in the reputation of hospitalised birth.⁴¹ The importance of the family in New Zealand life and a poor comparative record with its western peers had led both to a decline in maternal mortality and the permanent increase of hospitalised childbirth.⁴²

Family life and marriage continue to be the experience of the majority of New Zealand women. However, there are trends which counteract the marriage figures. One such tendency is the

³⁹*Ibid.*

⁴⁰*Ibid.*, 154.

⁴¹*Ibid.*, 154-155.

⁴²That is, death resulting from deliveries and complications of pregnancy, childbirth and puerperium in 1983 stood at 1 in 1000 total deaths or 12.02 per cent of all women's deaths in 1983.

increasing trend to divorce.⁴³ At the beginning of the twentieth century 4 per cent of marriages ended in divorce. By 1973 just over 11 per cent ended in divorce. The increasing rates of divorce have often been cited as evidence of the destruction of family life:

however, the relatively high rate of remarriage of divorced persons . . . supports the theory of a change in the pattern of marital behaviour, perhaps in the direction of serial monogamy, rather than a fundamental undermining of the institution of marriage itself.⁴⁴

Even though divorce rates have increased, improvements in life expectancy have meant that the proportion of one's total life spent "married" has probably increased for both women and men.⁴⁵

A second countervailing trend is the increasing rate of ex-nuptial births compared to nuptial births. The rise in the number of ex-nuptial birth from just over 5,000 in 1962 to over 10,000 in 1977, and to nearly 20,000 in 1989 may be exaggerated because of the corresponding drop that has occurred in nuptial births; while the overall birth rate may have been falling ex-

⁴³Separations or desertions not resulting in divorce are excluded from these statistics; the breakup of consensual or cohabitation unions are ignored, one person may be divorced several times. Divorce law reform in New Zealand came in 1968 and the no "fault" divorce in 1981.

⁴⁴*Population of New Zealand*, 201.
The trend to increasing divorce was counteracted by remarriage. The statistics for New Zealand show that from 1951-1981 there was a decrease for divorced females from 15.9 per cent to 11.4 per cent remarriages. From 1961 to 1981 the average age at remarriage for females dropped from 38.5 years to 35.4 years cent and probably reflects the easing of the legal provisions governing access to divorce during this same period. It must also be remembered that death is still a more significant cause of marital disruption than divorce, although the difference between the two has narrowed in recent years.

⁴⁵*Ibid.*

nuptial births as a proportion of the total fertility rate increased from 8 per cent of all birth registered in 1962 to 22.8 per cent in 1982.⁴⁶ However, these statistics can be misleading, for ex-nuptial births can be to both cohabitating women and to women living alone.⁴⁷ The only fact that can be confirmed is that fewer women are dependent on a man as *legal* husband for economic support of a child or children in the 1970s and 1980s.⁴⁸ Ex-nuptial fertility, though higher than nuptial fertility, has also began to experience a decline. Unmarried women of all ages were having fewer children in 1981 compared with a decade earlier.⁴⁹ The *New Zealand Official Yearbook 1985*, states that: ". . . women in New Zealand, regardless of their age or marital status, were having fewer children at the opening of the 1980s than were their counterparts a decade earlier."⁵⁰

The introduction of the contraceptive pill in the early sixties in New Zealand has been linked to the fertility decline but the case is not clear cut. "It is possible that the increased acceptance and use of the pill helped sustain the

⁴⁶*Ibid.*, 168.

⁴⁷*Ibid.*, 170.

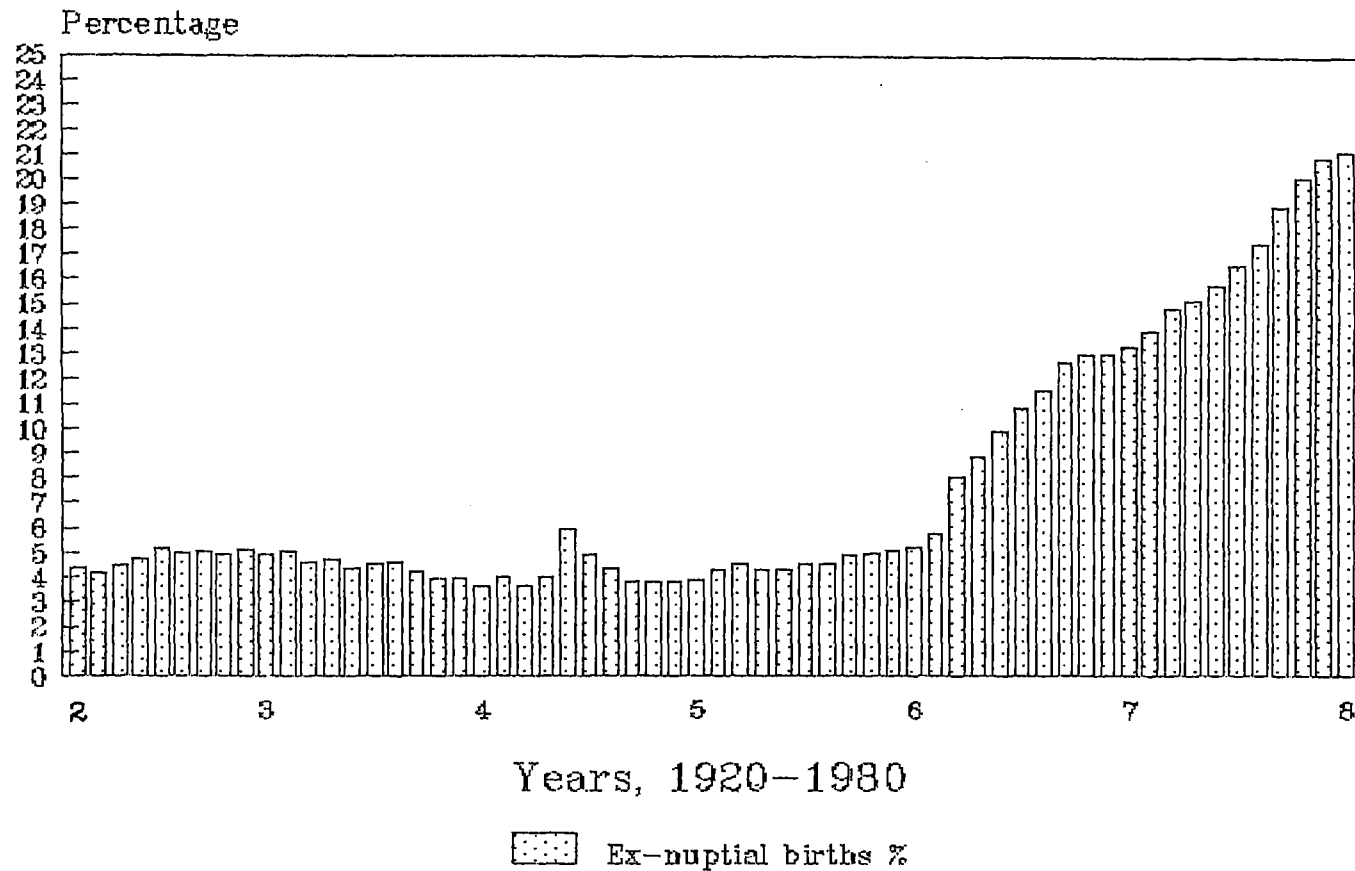
⁴⁸Graph II shows ex-nuptial births from 1883-1986 as a percentage of the total birth rate.

⁴⁹The decline in fertility among (unmarried) women was greatest among older women although the fall was still noticeable for women under thirty. The evidence suggests that while childless women may no longer feel the need for their relationship to have the official recognition of church or state, when the time comes to have a child it is a different matter. It is also possible that some women living in de facto unions register births as nuptial births. New Zealand Department of Statistics, *New Zealand Official Yearbook 1985*, 980.

⁵⁰*Ibid.*, 981.

GRAPH II

Ex-nuptial births as % of total births



From 1962 Maori returns included

GRAPH III

Total adoption orders, 1955-1986



downward trend."⁵¹ Jill Julius Matthews states in her book, *Good and Mad Women*, that the contraceptive pill

. . . did increase the efficiency of avoiding unwanted pregnancies and of the timing and spacing of pregnancies. The pill was, however, crucial to women's sense of control of their fertility and hence of their lives and futures. Its apparent certainty meant that effective choice was for the first time possible.⁵²

While this may have been true for married women in the early days of the pill, it was not so for young single women. This is especially significant in terms of adoptions for the same period with adoptions increasing to a peak of 3,976 in 1971.⁵³

Marriage, it seemed, was a prerequisite for the prescription of the pill in the sixties and seventies.

Nuptiality has special significance for adoption rates. Until 1955 the proportions of ex-nuptial births per year as compared with adoptions are fairly constant. However, from 1955 there was a rapid rise in both in ex-nuptial births and adoptions.⁵⁴ Since the Adoption Act 1955 there have been far more social changes than in the previous 75 years of adoption history. The close relationship between ex-nuptial birth rates and adoption rates (until 1962) would appear to indicate that the

⁵¹New Zealand Department of Statistics, *New Zealand Official Yearbook 1990*, 140.

⁵²Matthews, *Good and mad women: The historical construction of femininity in twentieth-century Australia*, (Sydney: George Allen and Unwin, 1984), 36.

⁵³Graph III shows the numbers of adoption orders made from 1955-1986.

⁵⁴"The inclusion of Maori statistics in totals from and including 1962 is a significant factor, but even when they are excluded there remains a rapid rise in exnuptial births." Keith Griffith, *Adoption: procedure, documentation, statistics: New Zealand, 1881-1981, 100 years*, (Victoria University of Wellington: Department of Sociology and Social Work, 1981), A8.

marital status of birth mothers has been an important factor in the decision to adopt. Graph IV shows the clear preponderance of ex-nuptial to nuptial adoptee births. In the years immediately after the Second World War and until the sixties illegitimacy was more than enough reason to adopt out a child. In 1944, 85.8 per cent of adoptions were ex-nuptial. Thereafter the rate of ex-nuptial adoptions climbed, with fluctuations, to 88.9 per cent in 1968 and then fell to 78.6 per cent in 1979.

The recent fall possibly reflects the increasing number of step-parent adoptions which mask the extent of the decline in stranger adoptions, inflating the number of nuptial adoptions and the overall adoption rate in New Zealand. Graph V illustrates this trend. The fall also suggests that more ex-nuptial children were being kept by a parent or parents.⁵⁵ It is significant to note that while adoptions start to fall from 1971 onwards, ex-nuptial births continued to rise:

The falling adoption rate is often attributed to increasing abortions, however the fact that actual EN [ex-nuptial] births continue to increase seems to indicate that abortions are not the major factor.⁵⁶

The number of adoption orders increased from one in 1881, to 1,313 adoptions in 1944 (after the Second World War), then increasing steadily until a drop in 1956, the year the 1955 Adoption Act was put into force.⁵⁷ The numbers of adoptions

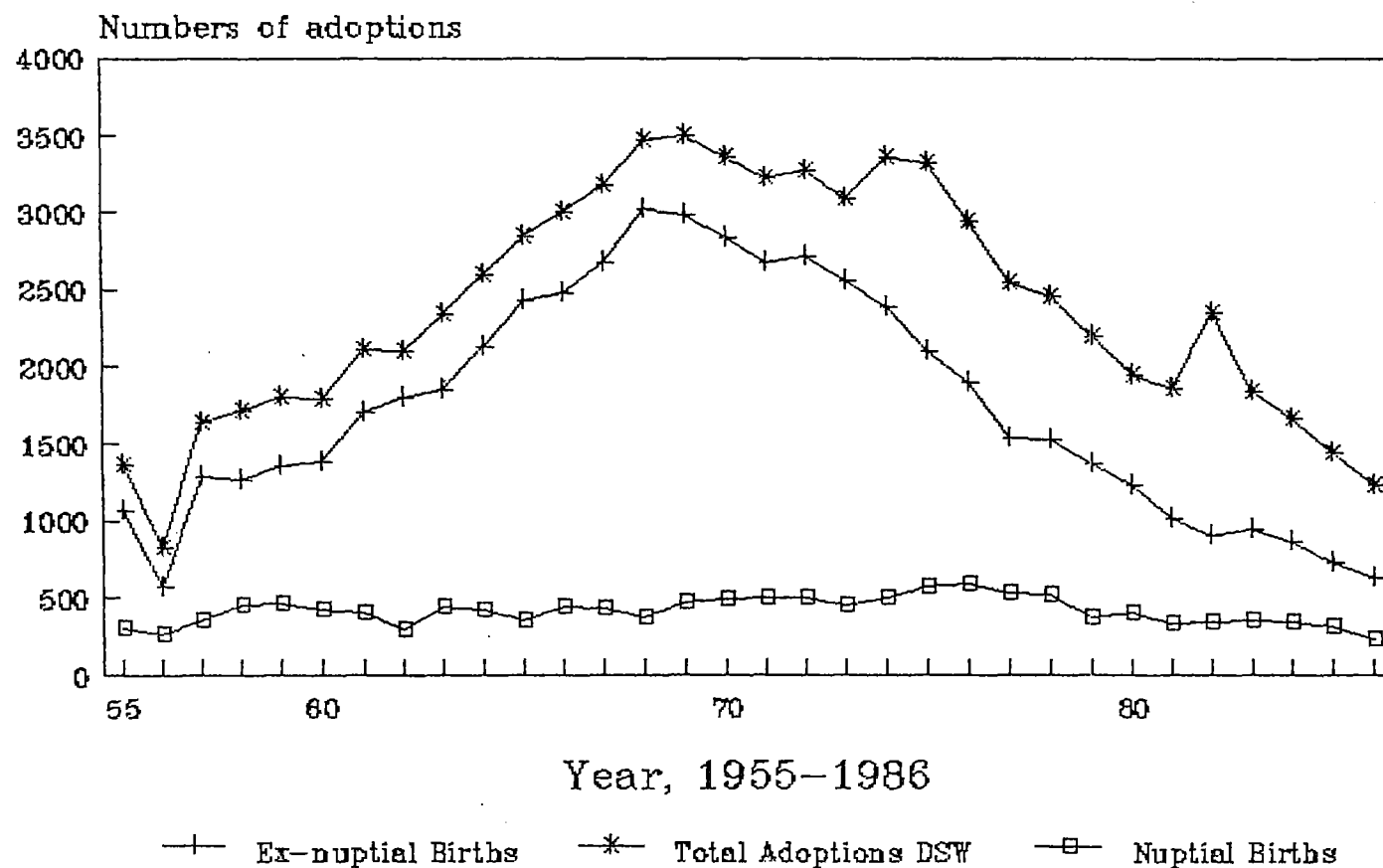
⁵⁵This, too, could have been masked by the 'baby boom'.

⁵⁶Griffith, *Adoption*, A8.

⁵⁷Only 887 adoption orders were made in 1955, due to delays caused by the introduction of the new legislation. Refer Graph IV. Although the figures are only available for the years 1908-1928, it is interesting to note that during that time married couples comprised not less than 90 per cent of adopting persons. Refer Graph VI.

GRAPH IV

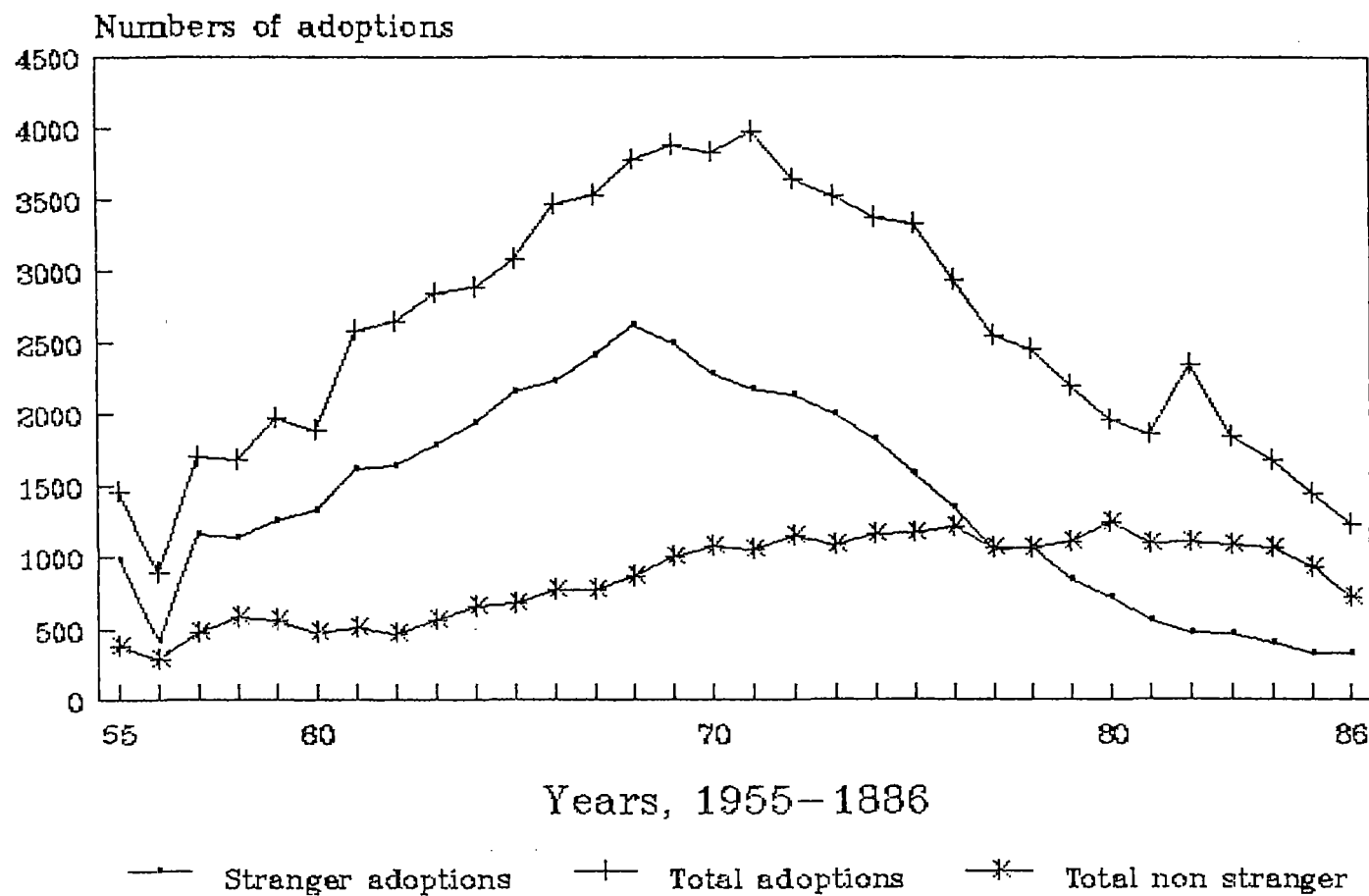
Adoptee births: ex-nuptial vs nuptial



From SWD Annual Reports 1944-1986.

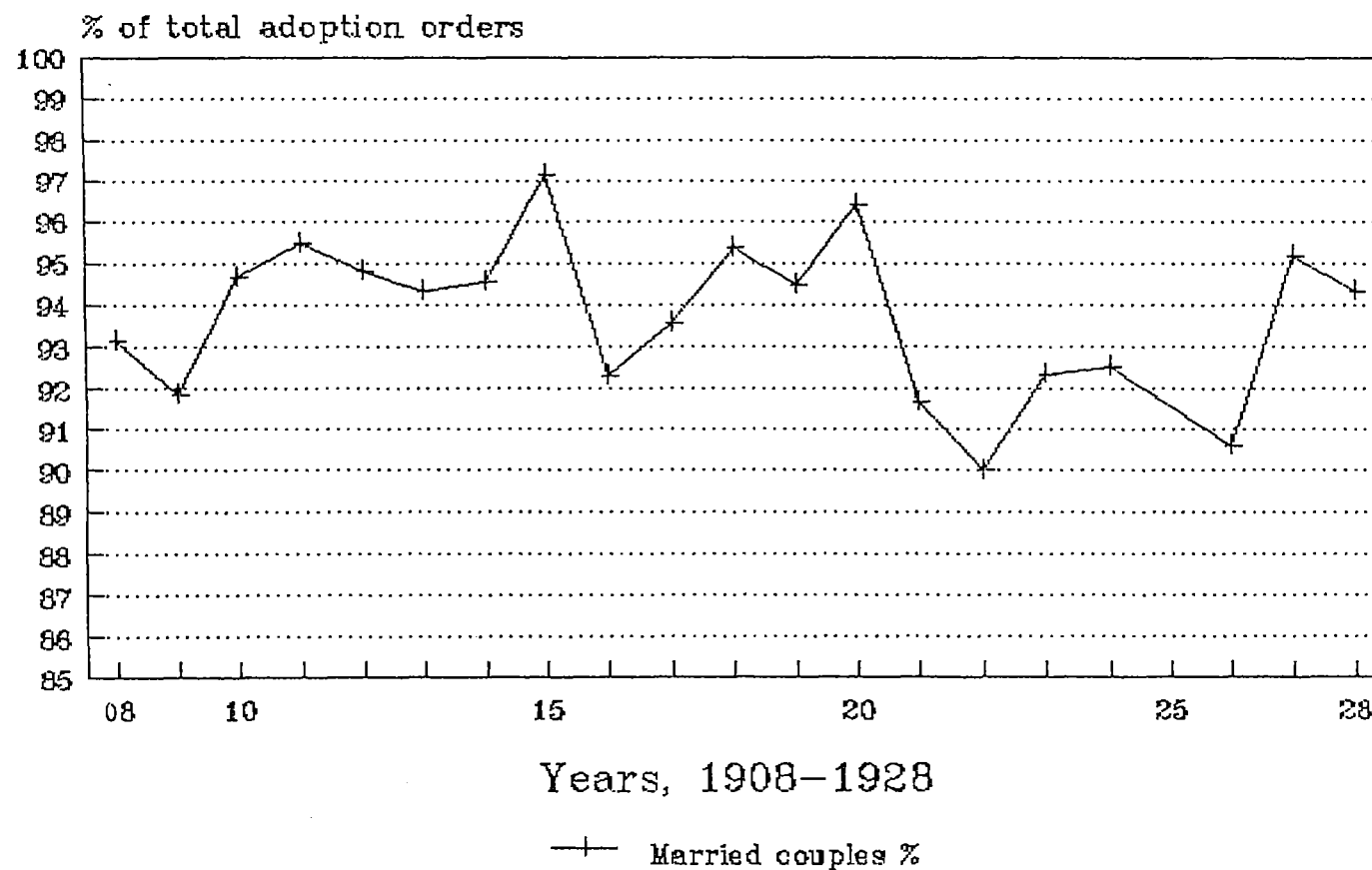
GRAPH V

Adoptions to strangers and non-strangers



GRAPH VI

Married couples as % of adopting persons



Reproduced from Griffith, A4.

continued to increase until the early seventies, peaking in 1971. (Adoptions began falling at a steady rate in 1973, the year the Domestic Purposes Benefit was introduced. By 1984 only 1,460 adoptions took place, compared to a peak of 3,976 adoption orders in 1971.⁵⁸ These figures reflect the general population downturn of the past quarter of this century and is largely the result of a steep decline in birth rates recorded since the early sixties. However, the record inter-censal increase in population from 1971 to 1976 is not reflected in adoption rates, which began a sustained fall in 1973. This period is somewhat anomalous in the general decrease in population. Increases in New Zealand's population were due to migration fluctuations, rather than natural increase, which would not affect the numbers of babies for adoption to any significant extent.⁵⁹

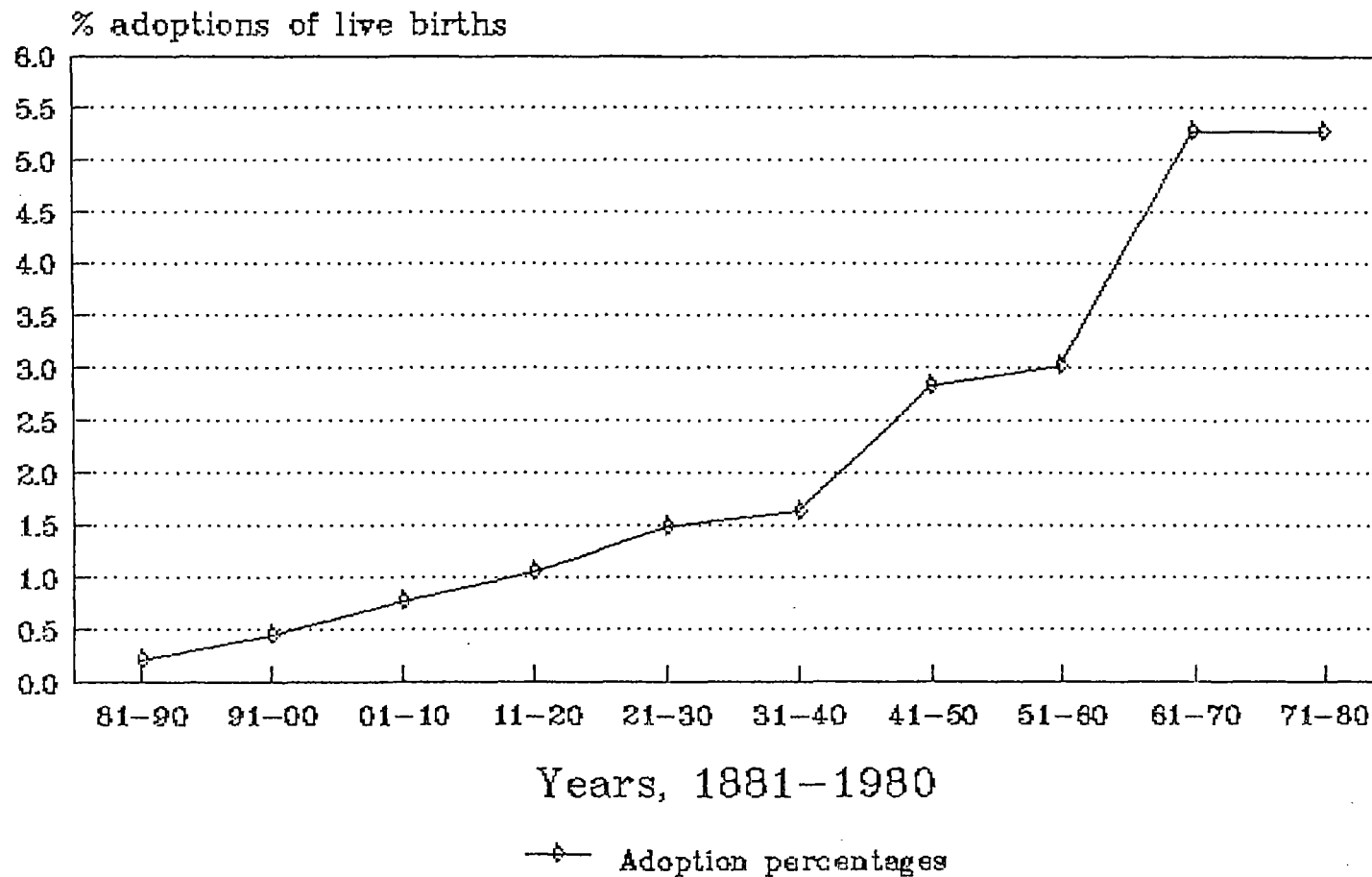
Keith Griffith has linked several broad factors in the changing nature of New Zealand's population to changes in adoption rates from 1881-1981. The first trend Griffith notes is the gradual increase in the proportion of adoptions to live births. Graph VII shows the percentage of adoptions to live births per ten years from 1881-1980. Second is the Post World War One baby boom which reflects a sharp rise in ex-nuptial births. Third is the depression of the thirties; the ex-nuptial birth rate and the rate of adoptions both dropped, echoing the

⁵⁸These figures are slightly misleading. In terms of the percentage of live births 1972 was the peak year for adoptions rather than 1971. However, both show that the numbers of adoption orders had begun to fall before the introduction of the Domestic Purposes Benefit in 1973. Refer Graph III "Total Adoption Orders, 1956-1986."

⁵⁹New Zealand Department of Statistics, *New Zealand Official Yearbook 1986-87*, 106.

GRAPH VII

Adoptions as a percentage of live births



Reproduced from Griffith, A2

fall in total live births. Fourth is the post World War Two baby boom and the accompanying increase in ex-nuptial births which Griffith credits to the influx of American troops. Fifth is the sharp drop in the numbers of adoptions in 1956 due to the introduction of the Adoption Act 1955, (this Act delayed Final Adoptions Orders by up to six months). The sixth trend Griffith notes is the steep rise from 1962 in the number of ex-nuptial births and adoptions which is in part due to inclusion of Maori statistics in population totals. Griffith suggests that changing patterns of morality and a sexual revolution may have contributed to the rise,⁶⁰ but it seems that the return to lower birth rates in the seventies and eighties may have marked the rapid rise in adoption rates as a demographic hiccup. The seventh point Griffith notes that at the point where adoptions begin to fall, ex-nuptial births rates continue to increase relative to nuptial birth-rates. By 1968 unmarried mothers became eligible to claim the emergency benefit and in 1973 the Government introduced the Domestic Purposes Benefit. (For the first time it was now economically possible for ex-nuptial mothers to keep their children.

The generalised experiences of women are hidden behind demographic analyses that privilege men's experiences of the world. Women's invisibility is structured into New Zealand Censuses making an analysis which privileges women's experiences extremely difficult. However, it is possible to make informed guesses about women's experiences over the 145 years covered by

⁶⁰Griffith, *Adoption*, A10.

this chapter.

The major changes in patterns of probability within which non-Maori women lived over the century have included rapid initial population growth followed by a long term general decline, a transition which also marks the declining importance of net immigration. New Zealand was initially a British experiment in nation building but the increased contribution of natural increase shifted the emphasis for New Zealand's government from immigration to the family and to women's role within it. The transition from rural to urban lifestyle was coterminous with the shift to smaller family size and later marriage age. The 1930s saw the lowest ever birth rate. The post war periods both saw a return to population growth, but these have only been short term fluctuations in a long term general decline.

Life expectancy has increased for women, especially in the areas of maternal and infant mortality. These figures, too, reflect the importance attached to the family for population growth and national prosperity. More women divorce and more women bear children out of marriage. However, family life continues to be the standard experience for New Zealand women. Since the 1880s, heterosexual relations and childbearing have remained the core experiences of women in New Zealand. However, the permitted latitude of behaviour changed, ex-nuptial birth rates have risen substantially over the past century. In adoption nuptiality plays an important part, and as more women have kept their ex-nuptial children adoption rates have dropped. However, births within marriage still figure at over three

quarters of the total birth rate. Marriage and the nuclear family are still ideals the majority of New Zealanders aspire to. Chapter III analyses the legislative changes in adoption from 1881-1955 and adoption law's contribution to these ideals.

Chapter III

Creating birth mothers:

Population control and adoption law, 1881-1955

The aim of this chapter is an examination of the impact of 'population ideology'¹ on adoption legislation from 1881-1955. Population ideology focused on the family as the context in which women would attain their 'natural' role as mothers.² During this period the family was seen as the ultimate source of good, profit and order.³ However, in reality the ideal tended to break down:

The white race, the family, and the ideal mother were all hollow icons, appealed to from all quarters, allowing everyone to hold different notions about the specific content and uses of the ideal. Contradictions abounded, and

¹Jill Julius Matthews uses the term 'population ideology' to denote a loose conglomeration of ideas which were formulated by Australia's early white settlers. The concept of population control, is however, used more extensively by feminist academics, particularly by Petchesky, especially pages 67-73 in *Abortion and women's choice*; as part of the wider issue of control of women's reproductive freedom, as in Mary O'Brien's "Hegemony theory and the reproduction of patriarchy," chap. in *Reproducing the world: Essays in feminist theory*, (Boulder: Westview Press, 1989); and in Patricia Spallone and Deborah Lynn Steinberg, eds. *Made to order: The myth of reproductive and genetic progress*, (Athene Series. Oxford: Pergamon Press, 1987), especially pages 160-180. I use the term here not to describe a set and limited body of thought but to distinguish trends in attitudes to reproduction in the nineteenth to mid twentieth century.

²However, the perception of women as wife and mother is a social construction. The ideal of motherhood is normative in that any woman who rejects motherhood is 'unnatural'. However, the appeal to the 'natural' state of motherhood depends upon motherhood being carried out in the context of the nuclear family.

³Refer Matthews, *Good and mad women: The historical construction of femininity in twentieth-century Australia*, (Sydney: George Allen and Unwin, 1984), especially pages 74-76 on population ideology.

had to be lived through. The attempt to be an ideal mother became woman's ever changing, never ending and never successful task throughout adulthood.⁴

Population ideology supported women's oppression through the prescription of women's roles. The changes in adoption law reflect the concerns of population ideology; the encouragement of family life and thus the growth of a good and prosperous society.

Though unstated, women's sexuality was also at issue.

Until the middle of the twentieth century sexuality, for the good woman, was only permitted expression within marriage and then only as part of her natural reproductive function. During the nineteenth century and early in the twentieth century women were expected to put up with the 'consequences' of bearing an illegitimate child. Forcing a woman to keep her child was the punishment she deserved; a woman's children and economic hardship served as a reminder of the improper use of her sexuality. Adoption came to be seen in the mid twentieth century as a solution to unmarried motherhood; a compromise in which women exchanged their children for their respectability. Thus adoption

⁴*Ibid.*, 76.

In 1981 there were proportionately more solo mothers than five years earlier. In 1976 there were 59,000 solo mother families and in 1981 there were 74,000. In the same period families which comprised husband, wife and children fell from 449,000 to 441,000. In 1981 1 in 10 families were headed by solos mothers. However, even these figures are an understatement. The statistics prior to 1976 are unknown.

Population of New Zealand, 981.

"... The vast majority of solo mothers are no longer widowed women, but separated, divorced and never married mothers responsible for young families. It is precisely these solo mothers in charge of young children, as compared with solo mothers with older children, who command the lowest average family incomes, have the highest frequency of low income and must spend more of their total family income on the basic necessities of everyday living." *Ibid.*, 983.

helped maintain the stability of the family as the basic social unit and helped to keep the ideal of the family firmly entrenched in the minds of the New Zealand population.

From the 1880s onward the forms of population control had become an increasingly liberal preoccupation; population ideology was a crucial component in the formation of the 1881 Adoption Bill. It was vitally important to have a growing population, both for the survival of the colony and the Empire's presence in New Zealand. In the 1880s New Zealand's European population was increasingly native born and for the first time the 1881 Census recorded the number of women as just over half of the New Zealand born European population. Young women who immigrated to New Zealand ". . . were recruited as new settlers in the expectation that they would, at some point, become wives and produce the next generation. . . ." ⁵ The aim was to increase the birth rate of married women. The comments of the Hon. Dr Grace in 1881 illustrate the concern to increase the birth rate and the role adoption would play in providing families for childless marriages:

It was a crucial thing that a very large number of married couples in these colonies had no offspring. It was the very large number of large families that brought up the average increase of the population; but there was a very high percentage of married couples in these colonies who had no children at all; and he was quite sure that a measure of this kind, that would facilitate and encourage adoption by securing to the reputed parents a legitimate control over the adopted children, would be a real benefit, not only to

⁵Charlotte McDonald, *A Woman of Good Character: Single Women as Immigrant Settlers in Nineteenth-Century New Zealand*, (Wellington: Allen and Unwin/Historical Branch, 1990), 16.

the State, but to society in general.⁶

The economic depression of the 1880s had destroyed the myth of unlimited opportunity and egalitarianism in the colony of New Zealand. Dugald McDonald wrote in his thesis "The governing of children":

A backlash against privilege in general, and against exploitation by both the farming gentry and the urban capitalist in particular, produced a new type of politician eager to realise the opportunities for social democracy promised by the egalitarian mood. The break from the British class system was hastened by the speed and degree to which the Liberal-dominated Parliament pushed through democratic reforms.⁷

The foundation policies for reformist legislation had been laid in the years leading up to 1880; the infrastructure came over the next three decades.

The first Adoption Act 1881 one of a series of laws which indicated the increasing involvement of the state in the lives of its citizens. Adoption fitted into a context of the state's increasing welfarism which at the same time increased the state's control over women and children. Adoption would be good, not only for adopting parents, but also for the state: "there was no doubt, also, that a measure of this kind would tend . . . to reduce the cost of orphanages and charitable institutions in the colony."⁸ However, the Adoption Act was double edged, for while it admitted (limited) responsibility for a growing 'problem', it

⁶Hon. Mr Waterhouse, Speech to the House of Representatives, 22 July, NZPD, vol. 39, (1881), col. 6.

⁷Dugald McDonald, "The governing of children: Social policy for children and young persons in New Zealand 1840-1982," (PhD dissertation in Sociology, University of Canterbury, 1988), 109.

⁸Hon. Dr Grace, Speech to the House of Representatives, 22 July, NZPD, vol. 39, (1881), col. 6.

also reaffirmed the patriarchal nuclear family. From New Zealand's earliest colonial history, the family has been seen as the building block of society. This ideal struggled in the 1880s against economic hardship, growing illegitimacy and desertion of women and children. Desertion was a common enough occurrence for men but escape from the responsibilities of family life was more difficult for women.⁹ Even so, it was becoming increasingly apparent that greater numbers of women were deserting their children by the 1870s and 1880s. Even though the Adoption Act was a Private Members Bill, apparently the numbers of 'unwanted children' had constituted a sufficiently serious problem to carry public support for parliamentary action. Initially, the Act was based on a fairly simple aim; to give adoptive parents the security of legal status. At this stage there was no desire to hide a child's origins and the Courts did not have the power to alter the child's birth name. Adoption was still seen merely as some kind of permanent substitute for existing informal adoptions and fostering arrangements and there were few restrictions on access to the records of adoption orders which were held at the Courts.¹⁰

Informal adoptions were not unknown among the European population of New Zealand during the nineteenth century, but had fallen into disrepute. The main problem that the legislators saw in informal adoptions was the lack of protection of the adoptive

⁹Erik Olssen and Andree Levesque, "Towards a history of the European family in New Zealand," chap. in *Families in New Zealand Society*, ed. Peggy Koopman-Boyden, (Wellington: Methuen, 1978), 4.

¹⁰Leigh Langridge, "Adoption: The birth mother's experience," (M.A. thesis in Psychology, University of Auckland, 1984), 5.

parents ". . . when they had taken the trouble and gone to the expense of rearing adopted children."¹¹ The (then) Bill focused on the caregivers of orphaned, deserted and neglected children in order to encourage more people to adopt so that the children would cease to be a community responsibility and a drain on public funds.¹² The Bill was intended "to secure by statute" the voluntary generosity of hundreds of people already taking part in informal adoptions. Approval for the Bill was general, though conditional, among the members of Parliament. Mr Sheppard went further in his approval:

He believed a great deal of good could be done by giving benevolent persons of fair means power to adopt children and provide for them sustenance and education, and by protecting them from the annoyance of dissolute and greedy parents, who, finding their child well educated and cared for, might keep up threats of taking it away in order to extort money.¹³

The Adoption of Children Act protected the interests of adoptive parents and the state's interest in population control.¹⁴ During these years a process was occurring which Erik Olssen has identified as the growth of a 'new society',¹⁵ in which the

¹¹Hon. Dr Grace, Speech to the House of Representatives, 22 July, NZPD, vol. 39, (1881), col. 6.

¹²Robert Ludbrook, *Adoption: Guide to law and practice*, (GP Books, 1990), 5.

¹³Mr Sheppard, Speech to the House of Representatives, 4 August, NZPD, vol. 39, (1881), col. 283.
Mr Bowen also commented that "to provide protection for the adopting parent . . . was, he took it, the practical object of a law of adoption. . . ."
Ibid.

¹⁴In this sense the Act went beyond the informal adoption practices of the time.

¹⁵Erik Olssen, "Towards a new society," chap. in W.H. Oliver and Bridget Williams eds, *The Oxford History of New Zealand*, 250. Cited in McDonald, "The governing of children," 175.

family ". . . was the cornerstone for the effort to transform a frontier society into respectability."¹⁶

The family unit of husband, wife and children was based on the "principle of legitimacy"¹⁷ in order that the reproduction and socialisation of the children might continue in its patriarchal form.¹⁸ The imperative for this principle was that "no child should be brought into the world without a man--and one man at that--assuming the role of sociological father."¹⁹ Women whose husbands had deserted them and their children at least had the former legitimacy of their marriage to cling to. However, for women who conceived out of wedlock it was a different matter.²⁰ They had flagrantly abused the principle of

¹⁶McDonald; "The governing of children," 176.

¹⁷Bronislaw Malinowski, *Sex, culture and myth*, (New York: Harcourt, 1962), 63. In Kate Millett, *Sexual politics*, (London: Rupert Hart-Davis, 1969), 35.

¹⁸The most significant aspect of the second 1895 Adoption Act which repealed and re-enacted the original Act was its provision for illegitimate children to have legitimate status upon adoption. This highlights the role of the adoptive family as a normative consturct for patriarchal values.

¹⁹Bronislaw Malinowski, *Sex, culture and myth*, 63, quoted in Kate Millett, *Sexual politics*, 35.

²⁰Women's groups showed some interest in the plight of unmarried mothers. One such wanted to make rooms available to unwed mothers. However, they were refused because the 'institutionalisation' of children would encourage their parents to abandon them.

Andree Levesque, "Prescribers and rebels: Attitudes to European women's sexuality in New Zealand, 1860-1916," chap. in *Women in history: Essays on European women in New Zealand*, eds., Barbara Brookes, Charlotte McDonald and Margaret Tennant, (Wellington: Allen and Unwin, 1986), 5.

It was thought also, in support of the Adoption Act, that state care would strike at women's 'self respect'.

legitimacy.²¹ Andree Levesque notes:

Illegitimate births, as they were then called, were seldom acknowledged; but they were harshly condemned by the authorities. In 1885, New Zealand Europeans had the second lowest rate of illegitimacy throughout the Australian colonies. . . .²²

The role of women as reproducers of New Zealand's population had made them the target of changing policies. The new *Adoption Act, 1881* was a welcome measure in terms of its contribution to the (pakeha) population of New Zealand. In a speech to the House of Representatives in 1907, the Hon. Mr Jones stated:

The real reason for our solicitude is not murdered babes. It is that population, which is decreasing, is indispensable to national safety and national progress. We must have soldiers and workers, or our prosperity will be imperilled and our industry will decay. But, whatever our motive, the cause is none the less beneficent and humane. The position is not only pitiable, but it is also a menace. The rich will not have children, and the poor dare not.²³

While the family was the focus of population ideology, death and separation disrupted the ideal of an undisturbed family life. Charlotte McDonald writes: "Marriages in colonial New

²¹"Dr Emily Siedeberg advocated fines or imprisonment for 'fatherhood and motherhood without marriage' if the woman had consented. 'If marriage was a legal custom,' she said, 'why should its contravention not be illegal?' A few years later the same Society recommended detention homes for unmarried mothers, warning that 'a girl who has lost her virtue is a menace to the community'. What one may call the punitive lobby did not succeed in outlawing illegitimacy or setting up detention homes, but the social opprobrium was powerful enough to wreck the life of any unfortunate woman who had become pregnant and had not married." Refer Andree Levesque, "Prescribers and rebels," 4-5 for attitudes towards unmarried mothers around the turn of the century.

²²*Ibid.*, 4.

²³Hon. Mr Jones, Speech to the House of Representatives, 12 September, *NZPD*, vol. 140, (1907), col. 852.

Zealand were frequently interrupted by lengthy periods of separation, and these sometimes became permanent."²⁴ In theory and, it was hoped, in practice, the family supported itself as an economic unit. However, "deserted women and their children formed a steady and sizeable section of the total number of people seeking relief."²⁵ Deserted women were held in less regard than women who were widowed who could not be responsible for the loss of their husband. A deserted woman and child often survived only help from relatives or on charitable aid.

Life for women in colonial New Zealand was perhaps freer than life in England, but it was often bounded by the day to day slog of survival. Olssen and Levesque state: "The law, however, reflected the ideal rather than the real and on marriage women lost what few civil rights they possessed."²⁶ The family was still the source of welfare available to most and although migration probably accelerated the shift to nuclearity, "responsibility for the aged, the destitute and the indigent [fell] on their closest kin."²⁷ The state was not yet willing to take on that particular duty.

Since New Zealand's earliest colonial times, the family has been seen as "a source of social stability and a means of reproducing labour."²⁸ The importance of the family was

²⁴Charlotte McDonald, *A Woman of Good Character*, 153.

²⁵*Ibid.*, 152.

²⁶Olssen and Levesque, "Towards a history of the European family in New Zealand," 4.

²⁷*Ibid.* Olssen and Levesque cite the Destitute Persons Ordinance, 1846; Destitute Persons Acts, 1877, 1894, 1908, 1910.

²⁸*Ibid.*, 1.

unquestionable. As Olssen and Levesque state:

The proper mix of land, capital and labour in the new colony would also produce prosperity, thus enabling young persons to marry well and have large families. The hive of happy and prolific families would ensure growth, stability and civilisation.²⁹

The family was supported by a variety of legislative mechanisms.³⁰ For example, laws encouraged an increase in the number of marriages by making it as easy a course as possible. As early as 1854 the Marriage Act had invested:

. . . Supreme Court judges with the power to overrule a parent or guardian who might 'unreasonably or from undue motives refuse or withhold his or her or their consent to a proper marriage.'³¹

The concern to populate the young colony was still a priority but by 1907 the focus had shifted from increasing the immigration rates to natural increase. The Hon. Mr George stated:

At the present time we are going in for an assisted-immigration policy, which, if you bring out the right class-people with a little money--is a very good one; but I venture to say if we could increase our birth-rate that will be one of the best methods of populating the country--in fact the very, best method of populating the country that

²⁹*Ibid.*, 2. Olssen and Levesque also state that: "Patriarchy prevailed both as prescription and in reality, although the distribution of power and influence was undoubtedly more complex in practice than prescription." Olssen and Levesque, "Towards a history of the European family in New Zealand," 4.

³⁰ For example, the living wage was supposed to be enough to support a man, his wife and three children. The family unit was the standard unit of analysis in much policy planning.

³¹ Charlotte McDonald argues that in fact men had more of a stake in marriage than women in colonial New Zealand. Marriage gave men unpaid domestic workers, as well as companionship. Marriage was regarded as an economic advantage both to the country and to men themselves. McDonald, *A Woman of Good Character*, 138-143.

you can have.³²

These were issues related to population ideology and the survival of the nation.

The institution of marriage was seen as essential to the preservation of the state and the responsibility of every man. However, marriage was not only a man's 'duty', it was also the 'natural state' for both men and women:

The country expects every man who is in a position to do so to marry in order that the race may be increased and multiplied, . . . I think he should do his duty. I strongly urge the value of early marriages, for the simple reason that they are right and proper.³³

There were signs, however, that men were not doing their duty.

In 1907 the marriage rate was low:

. . . for the simple reason that men do not see their way to assume the responsibilities of marriage on account of the smallness of their wages, the high prices of commodities, the high rents, and other expenses of living.³⁴

Women, too, were reluctant to marry; young working women were jealous of their independence. However, it was hoped that women would discuss the problem of low marriage and birth rates among themselves

. . . and that the medical men, and others who have sufficient leisure, will deliver lectures on the subject in the girls' schools and elsewhere, and that the Government

³²Hon. Mr George, Speech to the House of Representatives, 4 September, NZPD, vol. 140, (1907), col. 662.

I find it interesting that the Adoption Act should have been passed when the attention of policy makers was shifting from immigration as the major source of New Zealand's European population, to natural increase. Assisted immigration continued until the 1880s, but was curtailed in 1888. Assisted immigration was resumed in the early twentieth century but by then natural increase was regarded as the chief source of population increase.

³³Hon. Mr Beehan, Speech to the House of Representatives, 5 September, NZPD, vol. 140, (1907), col. 708.

³⁴*Ibid.*, col. 709.

will see to it that more maternity nurses are trained.³⁵
 With a little bit of state encouragement men and women would solve the problem themselves.

Compromises came in the face of women articulating their own needs. Decreasing fertility rates indicate that women were increasingly in control of their own bodies and lives. However, the threat of a declining birth rate was not to be taken lightly. The "population question" was "the most important of all questions which face modern societies".³⁶ The Infant Life Protection Act of 1907 succinctly expressed the aims of population ideology. The Hon. Dr Findlay stated that:

if the number of your good citizens is on the decline, it matters little what your accumulation of material wealth is. The first duty of the State to-day, as it was in the days of Aristotle, is to increase the number of your *good* citizens; and if you are not doing that you are a declining country. . . . we in New Zealand are confronted . . . by a menace that we are perhaps treating too lightly, and that menace is a declining birth-rate.³⁷

One solution was to lower the infant mortality rates so securing for New Zealand a higher rate of population increase.³⁸
 Attention turned to the plight of unmarried mothers. The mortality rates for illegitimate children were three times as high as those for those born in wedlock. Thus an investment in the future of the nation could be made by guarding the welfare of the children of single women. Adoption at this time provided an

³⁵*Ibid.*

³⁶*Ibid.*, col. 635.

³⁷*Ibid.* Emphasis added.

³⁸The death rates for ex-nuptial (then illegitimate) children were said to run at three times the rates for nuptial children. *Ibid.*, col. 632.

answer to the needs of the State for increasing the population through the family unit and lowering the infant mortality rates by turning illegitimate children into useful members of society.³⁹

In 1907 fostering, under the auspices of the Industrial School System, was a highly regarded and successful practice in caring for children.⁴⁰ The support of these foster homes by the State was directly linked to the decrease of the infant mortality rates in New Zealand.⁴¹ Further, the links with the natural parents were maintained as far as possible:⁴²

In practice the parental tie between the natural parent and the child is maintained. The natural parent is allowed to see the child as often as is reasonable, if he or she be respectable. If he or she be not respectable, then, in the interests of the child, that access is denied. But we maintain as far as possible the parental tie.⁴³

Adoption, at this early stage, was not dissimilar to the fostering system. Indeed, it was suggested that the law of adoption be brought into line with the practice of fostering through the industrial-school system. The main difference was in the payment of foster parents and the non-payment of adoptive parents. Once adopted, a child was as if the biological

³⁹Early marriage was also advocated as a way of increasing the population.

⁴⁰Hon. Dr Collins, Speech to the House of Representatives, 3 September, NZPD, vol. 140, (1907), col. 635.

⁴¹*Ibid.*

⁴²There were three methods of caring for destitute children; the Infant Licensed-House System, Charitable Aid Boards and the Industrial School System.

⁴³Hon. Dr Findlay, Speech to the House of Representatives, 3 September, NZPD, vol. 140, (1907), col. 627.

offspring of the adoptive parents; thus payment was vetoed. Adoption legislation focused on the adoptive parents because they relieved the state of the burden of "indigent" children, as they do today, while fostering focused more on the welfare of the child and natural parents. Adoption destroyed original birth ties in an attempt to re-form the family unit and re-legitimate children, birth parents and even adoptive parents who could not conceive their own family.⁴⁴

To make an adoption order the consent of the birth parents was sought. In 1881 consent had to be given by both birth parents if they were married. After a number of years it was decided that birth fathers were to be specifically excluded from the term "parents". Only a birth mother's consent would be sought. The issue of consent was discussed at length in the *New Zealand Parliamentary Debates* of 1907. There were grounds established under which consent could be dispensed with, in which a woman did not even retain that right:

Under the Act "desertion" has an interpretation. A mother who is neglecting her child is not necessarily deserting it, and we have had these cases: a woman of dissolute character, with perhaps several convictions against her, has refused to allow her child to be adopted by one of the best of women. The result is that the State, in some cases, has had to pay for years and years for the child, whereas if the adoption order had been obtained the State would have been relieved of the burden. I say that where a woman has proved her unfitness to take care of a child the Magistrate should be entrusted with a discretion to dispense with that consent.⁴⁵

⁴⁴"In all human societies moral tradition and the law decree that the group consisting of a woman and her offspring is not a sociologically complete unit." Bronislaw Malinowski, *Sex and repression in savage society*, (London: Humanities, 1927), 213, quoted in Kate Millett, *Sexual politics*, 35.

⁴⁵Hon. Dr Findlay, Speech to the House of Representatives, 3 September, *NZPD*, vol. 140, (1907), col. 656.

Clearly, if an adoption application had been made for a child whose mother had fostered him/her, then the state was more than eager to rid itself of economic responsibility for the child and so would dispense with the mother's consent.⁴⁶

In legal terms the birth mother had ceased to exist. The Births and Deaths Registration Amendment Act 1915 was the first move to restrict access to copies of an adopted person's original birth certificate. With this restriction it became more difficult for a birth mother to maintain contact with her child. The reason given was to provide the adopted person with a new birth certificate which would not carry the stigma of illegitimacy:

. . . in future years a child that has been adopted may apply for a certificate of birth, and instead of getting a certificate in its legal name the certificate is in a wrong name--namely, that of the child's mother; and a certain amount of stigma exists in getting a certificate in another name than the legal one.⁴⁷

Up until this time the only copy of the birth certificate had been the original. The Act meant that once an adoption order had been made the birth was re-registered and a new birth certificate was issued containing only the names of the adoptive parents and the new name of the adopted child.

Although far from the original intention, the 1915 provisions for re-registration were the first in a series of steps towards creating a new family by concealing the old. Re-registration gave the adopted child a new identity, as if s/he

⁴⁶In 1908 adoption law was incorporated as Part III of *The Infants Act, 1908*.

⁴⁷Mr Lee, Speech to the House of Representatives, 26 August, NZPD, vol. 173, (1915), col. 164.

had been born to the adoptive parents. In 1924 further restrictions were placed on access to records and under the Births and Deaths Registration Act 1951 access was reduced further. "The 1924 restriction on obtaining copies of the original birth certificate was now extended to the inspection of the original entry."⁴⁸ This process was completed in 1969 when the original birth certificate became, for all general purposes, completely sealed. Thus adoption heaped to reinforce the ideal of the nuclear family against new threats.

Olssen and Levesque regard the period 1914 to 1935 as a period when war disrupted the ideology of family life. The institutions of marriage and the family came under attack from the Labour movement: "contraception was advocated, abortion defended and public hypocrisy about sex attacked."⁴⁹ However, Labour's cultural radicalism was soon abandoned in the hope of winning votes during the First World War. The ideology of the family was consolidated, though now it did not go unquestioned. Even though these new ideas did not go so far as to challenge the accepted role of women, sexuality was revealed and no longer hidden behind the artifice of the family.

During the thirties family life was still the experience of the majority. The depression only intensified support for the family as women were encouraged to give up jobs that men should have in the times of hardship and return to the family full time. The state still relied on the family and more specifically on

⁴⁸Leigh Langridge, "Adoption: The birth mother's experience," 8.

⁴⁹Olssen and Levesque, "Towards a history of the European family in New Zealand," 13.

husbands to provide relief from poverty. "Men were defined as breadwinners and heads of households, and in some areas only male heads of houses were allowed to collect relief."⁵⁰ From the conservatives to the revolutionary ethic of Labour's left, the family was supported as a goal. Indeed the symbolism of the family was exploited by Labour spokesmen in the 1935 elections. Women, and children, were subsumed by family ideology. However, the post war years saw changes in the perception of women's roles. The experience of wartime itself and the rapid postwar economic boom changed the content of population ideology. During the second world war women gained in autonomy as they filled the places left by men in factories and offices. However, illegitimacy was still socially unacceptable. Contraception was difficult to obtain and abortion illegal if the pregnancy were not life threatening. Nell was pregnant with Julie in 1942:

You know, I thought of abortion but I'd heard about this chemist in town here, he used to give you pills and he knew jolly well they weren't going to do anything. You know, 'I can get rid of it for you for on hundred pounds'. Well, I was earning thirteen shillings a week at that time. Well, you can't, it's just impossible, and my mother, I know they didn't have it.

Oh, he was had up to court many times but the doctors were sort of on his side and he always wriggled out of it, you know, Because in those days [sharp intake of breath] it was shocking to have a baby, you know, if a girl had had a baby you were looked down on. . . .⁵¹

The post world war two years saw ". . . a society increasingly oriented to consumption rather than thrift and production, . .

⁵⁰*Ibid.*, 14.

⁵¹Nell, Interview by author, 31 March 1990, Christchurch, taped interview.

.". ⁵² Prosperity meant that the domestic ideal could be fulfilled by women who were no longer needed in the workforce as men returned from war. It is possible, too, that women were pacified by their role as consumers as they returned to the kitchen and 'domestic bliss'.

In New Zealand's post war years the ideal of the family was still a strong one, but the family's place in women's lives had changed. Olssen and Levesque note that:

The average age of marriage fell; the divorce rate, which peaked predictable in 1946, remained much higher than it had ever been before, and the proportion of married women gainfully employed increased sharply. By 1955, in fact, by the age of 32 the average married woman had completed her family and seen her last child into school. ⁵³

Sex and reproduction were now regarded as separate aspects of women's sexuality and sex was regarded as an enjoyable end in itself. Indeed, the rapid increase in rates of illegitimacy indicate the break-down of traditional controls on women. Marriage was no longer endured if the gains that were expected of it did not occur, but as divorce rates increased during this time marriage also increased in popularity. The trend was to serial monogamy, rather than the rejection of marriage per se. While the role the family played in women's lives may have changed it has remained a potent ideological force.

From 1880 onwards the state had taken an increasingly protectionist and interventionist position in terms of the care and control of the disadvantaged. The period from the 1880s

⁵²Olssen and Levesque, "Towards a history of the European family in New Zealand," 17.

⁵³*Ibid.*, 18.

until the First World War had seen the introduction of New Zealand's first adoption legislation. Adoption maintained the ideal of the family as the cornerstone of the 'good' society. The family, as the site for the reproduction of the (pakeha) population preoccupied New Zealand's 'nation-builders'. The form this preoccupation took was overtly reformist and liberal, taking a protectionist and interventionist role towards problems, particularly of indigency, illegitimacy and infant mortality.

At the same time the state's role was overtly patriarchal. The reality was that the state supported the family because it was an autonomous economic unit and husbands were expected to provide the economic basis for family life. Growing nuclearity meant that in practice the ideal of family life tended to break down; desertion was a common enough occurrence. There were no alternative support mechanisms for women apart from help from relatives or charitable aid.

Instead of targetting women laws such as those embodied by adoption exchanged children for respectability and focussed attention on the adoptive family. Meanwhile, the adoptive family reproduced the patriarchal relations of the nuclear family, reinforcing the "principle of legitimacy", and producing future citizens who would uphold the ideal of the good society. In effect, adoption maintained the patriarchal status quo. Increasing secrecy provisions emphasised the adoptive relationship over the birth relationship. At the same time women's experience of family life had changed. War had disrupted the ideal of the family and though the family was still a major part of women lives, its position had changed.

Population ideology and the ideal of family life formed the context for New Zealand's first adoption legislation and marked the increasing involvement of the state in the lives of its citizens. The first moves towards adoption secrecy and the shrouding of birth mothers were effects of the ideal of family and population ideology. Legislation increasingly emphasised the adoptive relationship and moved towards the destruction of the original birth relationship. Chapter Four examines the implementation of strict secrecy provisions in adoption law and the implications of adoption secrecy for birth mothers, following the legislative changes through from the *Adoption Act, 1955* until the *Adult Adoption Information Act, 1985*.

Chapter IV

Birth mothers become invisible:

Adoption law, 1955-1985

Parliamentary legislation from 1955-1984 introduced the stringent secrecy and confidentiality provisions most commonly associated with adoption. While consolidating and amending the existing legislation, the Adoption Act 1955 incorporated a number of new provisions.¹ The provisions for strict secrecy date mainly from the 1940s and 1950s, culminating in the *Adoption Act, 1955*.² The Act was based on the recommendations of a departmental committee formed in 1952. One recommendation included in the Act was that all adoption records should be regarded as absolutely confidential, not to be disclosed to anyone except in very special circumstances. This recommendation was enacted in Section 3 of the Act, which stated: "*Adoption records not open for inspection. . . .*"

¹The Adoption Act 1955 replaced the statute of 1908.

²Keith Griffith includes the original reasons for secrecy in the United States which date from 1940: "It has been assumed that the original reason for sealing the records was to protect the adoptee and adoptive parents from a disruption [sic] by the birth parents and, in turn, to allow the birth parents to make a new life for themselves, free of the responsibility for the child and safe from the disgrace resulting from errors of the past. It has been discovered however, that the original purpose was neither of the above, but merely a means of protecting the adoptive family from intrusion by uninvolved persons." Arthur Sorosky, *The adoption triangle: The effects of the sealed record on adoptees, birth parents and adoptive parents*, (1st ed. Garden City, N.Y.: Anchor Press, 1978), 38, quoted in Keith Griffith, *Adoption: Procedure, documentation, statistics: New Zealand 1881-1981, 100 years. Also adult adoptee access to information*, (K.C. Griffith, 1981), 46.

The Act was based on what is called the 'complete break' theory:

It has always been an important fundamental principle in adoption that full legal rights of parenting are transferred by adoption from the birth parent(s) to adoptive parents. *The complete break theory takes this to its ultimate extreme--a 'complete' break whereby the adoptee must be cut off from their genetic origins not only during the child raising years, but for 'total' life. The knowledge and truth of their own birth origins must be suppressed from the adoptee for all time.*³

This Act, with its amendments, has represented New Zealand's closed adoption policy for thirty years. The aim of the Act was to go "as far almost as is humanly possible to wipe out, for all practical purposes, any distinction between the adopted child and the child of the ordinary marriage."⁴ The original reasons for secrecy were to protect the adopted person from the stigma of illegitimacy. They were also intended to protect the birth mother:

Sealed records also shield the birth mother from public scrutiny. All employees in hospitals, record rooms, the bureaus of vital records, as well as the social agencies are directed to protect from disclosure the identity of a woman having a child out of wedlock or even of a married woman who is giving up her baby for adoption.⁵

The result of the Adoption Act 1955 was to render birth mothers invisible.⁶ Once the adoption had taken place the intention was

³*Ibid.*

⁴Mr Harker, Speech to the House of Representatives, 20 September, NZPD, vol. 307, (1955), col. 2532. The distinction, "between the adopted child and the child of the ordinary marriage . . ." is a telling one. It illustrates the assumption that the adopting parents would be married.

⁵Burgess, *Art of adoption*, 139, quoted in Griffiths, *Adoption*, 49.

⁶"The findings also reflect the fact that the birth parents seem to be existing at two levels. They are functioning well within an existing marriage or family, but they harbor deep,

that a birth mother could "go on with a life of [her] own, usually centred around a husband and children."⁷ The emphasis, as always, was placed upon the adoptive relationship because it symbolised the socially approved form of the family.

After an initial drop in adoptions in 1956 (because of delays putting the new law into effect) adoptions began to increase steadily. More people saw adoption as a solution to infertility. However, while the demand for children was great, the supply was less certain.⁸ Increasing competition for babies led to more cautious selection processes for prospective adopting parents. Thus one of the problems the Bill dealt with was the selection of the appropriate parents for the child to be adopted.⁹ The regulations also decided who would be allowed to

unresolved feelings and sharp memories of the bearing and relinquishing of a child."

Reuben Pannor, Annette Baran and Arthur D. Sorosky, "Birth parents who relinquished babies for adoption revisited," *Family Process*, 17 (September 1978): 335.

⁷Rita Dukette, "'Agency response to adoption records controversy'," *Child Welfare*, (October 1975): 551, quoted in Griffith, *Adoption*, 49.

⁸The tie in with the language of economics and the consumerist attitude to children, although not new, is probably part of the permissive consumerism which became a dominant force in social thought after the Second World War and beyond. For example in 1955 Mrs Ross stated in the *New Zealand Parliamentary Debates*: "Adoption today is big business, and is very popular. There are not enough babies to meet the demand and there are long lists of people wanting to adopt children. It speaks well for so many people that they are willing to give a home to a child." Hon. Mrs Ross, Speech to the House of Representatives, 26 October, NZPD, vol. 307, (1955), col. 3350.

⁹"A 'child', for the purposes of the Bill, is, as in the existing law, 'a person under the age of twenty-one years', . . .

"
Ibid., col. 3348.

The majority of adoptions occur before the child is six months old, 81.9 per cent of adoptions between 1959 and 1979 occurred before the first birthday of the child. The adopted person is

adopt: "Clauses 3 and 4 allow application to be made by one person alone or by a husband and wife, which, of course, is the usual case, and, indeed, the case much to be preferred."¹⁰ An Interim Order was created in order for an ". . . independent person to observe the child's reaction to its proposed new home and the parents, and the reaction of the parents themselves to having the child in their home."¹¹ The purpose of this measure was to protect the adoptive parents and the adopted child.¹²

However, the formal rights of the birth parents were not completely ignored. The rights of the birth mother in adoption included the right of consent; the right to withdraw consent; the right to know the identity of the adoptive parent and finally the right to decide the religion of the child.

The birth mother, or both birth parents (if the birth father's consent was required by the Court) or the guardian of the child had the right to give consent to the adoption of a child. Advisors to the drafters of the 1955 Bill recommended that New Zealand follow U.K. practice in the legislation on consent. In Britain, a birth mother could not give her consent to adoption until a minimum period of six weeks had passed.

often regarded in adoption literature as a child *in perpetua*. Keith Griffith, *Adoption*, Graph 11, A16.

¹⁰Hon. Mr Marshall, Speech to the House of Representatives, 26 October, NZPD, vol. 307, (1955), col. 3348.

¹¹Hon. Mr Marshall, Speech to the House of Representatives, 26 October, NZPD, vol. 307, (1955), col. 3347.

¹²If the prospective adoptive parents proved unsuitable the child welfare division (as it was then known) had the power to revoke the interim order. The interim order also lapsed after one year if no permanent adoption order had been made.

Despite the advice, this period in New Zealand was reduced to ten days, which at that time was usually the duration of a mother's stay in hospital. The only reason given for the reduction was a claim that unmarried mothers were unreliable and would possibly 'disappear' after leaving hospital. Ten days was not a great deal of time for a birth mother to find a place to live and some way of supporting herself and her child. A birth mother's options were extremely limited.

The issues surrounding consent underscore the often conflicting needs of the people involved in adoption. In their book *Adoption Today* Jenny Rockel and Murray Ryburn stated:

Adoptive parents, for example, need the earliest possible contact with a child who is to join their family, and the reassurance of knowing that birth parents have made a final decision. All children need, as soon as possible, to become attached to the family they will grow up in. But before she takes an irrevocable step that could affect the rest of her life, a birth mother needs time to recover from childbirth and to look again at a decision she may have made before her baby was born.¹³

The step was indeed final: "For the protection of the applicants, the Statutes Revision Committee decided to recommend that consents once given should be irrevocable. . ."¹⁴ There were few exceptions.¹⁵

¹³Jenny Rockel and Murray Ryburn, *Adoption today: Change and choice in New Zealand*, (Auckland: Heinemann Reed, 1988), 17.

¹⁴However, there were provisions made for the 'exceptional case'. 26 October, NZPD, vol. 307, (1955), col. 3349.

¹⁵Pannor, Baran and Sorsky show that withdrawal of consent was made exceedingly difficult for birth mothers: "More than half the women were ignorant of the existence of this interim period, possibly because at the time of signing either they did not comprehend their lawyers' explanations or, because their advisers felt that as there was only a remote chance that the situation would arise, they withheld this information to avoid worrying their clients. . . . After signing the adoption consent papers, 15 (39%) of the 38 women had wanted to withdraw their consent. In 7 cases

Until 1955, birth parents had a right to change their minds up to the time when an adoption order was made by the court. The underlying principle was that they must not merely have signed consent, but must still consent to the adoption at the time that formalities were completed. The Adoption Act 1955 restricted birth parents' rights to withdraw consent and a series of court rulings subsequently restricted them even further.

The present situation is that once a consent has been filed with the court, as long as certain conditions have been met, it cannot be withdrawn. . . . The chilling language of the law recognises that behind a technically valid consent, there may lie the painful fact that no other choice exists. A judge hearing an application to withdraw consent in 1979 said, ' . . . in considering whether consent was freely and rationally given, it must be recognised that a person may consent to something which he [sic] really does not wish to occur, but which he [sic] recognises and accepts ought to occur. Regret at the decision does not affect the voluntariness of the decision.'¹⁶

However, it is rare that birth parents should seek to withdraw consent; it is far more common for the pain of their decision to be borne in silence, having relinquished all rights as mothers. It was not uncommon for a birth mother to be made, by the lawyer 'middleman', to swear on the bible that she would never attempt contact with her child. This practice was not binding in any legal sense, but very effective emotional blackmail. Belinda was subject to a similar situation when she gave her daughter up for adoption:

this reaction had been immediate and the latest date that any women had had a change of heart was 3 months after signing. Only 3 of these women took any action about reclaiming their babies, and after discussing the situation with social workers, none continued with her efforts. . . ."

Pannor *et al.*, "Birth parents who relinquished babies for adoption revisited," *Family Process*, 329.

¹⁶Rockel and Ryburn, *Adoption today*, 18-19.

Back in '68 when I had Helen . . . I signed a legal document to say that I'd have no further contact with her. On the same token it was under duress that I signed it.¹⁷

At the end of 1987 only 1,344 birth parents had applied for identifying information about a son or a daughter, while 2,731 registered a veto on the release of information about themselves.

The right to know the identity of the adoptive parents has seldom been offered to birth parents. Until 1955 birth parents could discover the names of the adopters by exercising their right to inspect the court records of the adoption. Since 1955 those wishing to know the identity of their child's adoptive parents have had the right to insist on signing the General Consent Form (Number 2) which must include the names of the applicants. Only a tiny percentage of birth parents have been aware that they were entitled to this information. Not only birth parents but most social workers, and lawyers too, seem to have been ignorant of these provisions. Many social workers acknowledge that even if they had known this information, the prevailing climate of secrecy would have made them hesitant in offering this choice to their clients.¹⁸

Finally, in 1955 the right of a birth parent to place conditions on the religion of their child was introduced. The impact of this provision has decreased in recent years as concern about other aspects of adoptive families has increased in importance.

¹⁷'Belinda', Interview with author, 11 April 1990, Christchurch, taped interview.

¹⁸*Ibid.*, 18.

It was during the 1950s that the influence of the 'complete break' theory was first felt. It's effects were both positive and negative. The 'complete break' meant that the adopted person enjoyed the same rights as those of the natural offspring in the new adoptive family. However, the complete break also meant that the adopted person's relationship with her/his natural family was obliterated. The assumptions underlying these secrecy provisions appear to be that a complete break with the past was desirable: it was assumed that if the law denied the past the birth relationship would be as though it never existed. However, a summary of a study conducted by Pannor, Baran and Sorosky showed that the reality for birth mothers was very different: "Feelings of loss, pain, and mourning continued to be felt by the majority of birth parents years after relinquishment."¹⁹ A birth mother would forget that she had ever given birth. Not only was her child taken from her, but a birth mother was denied the evidence that the birth had ever taken place. Birth mothers were expected to 'get on with their lives':

No after-support; nothing that I know of. Well I mean it didn't happen, so I mean there were no after effects. I mean there wasn't, finish, and that was it.²⁰

¹⁹Pannor *et al.*, "Birth parents who relinquished babies for adoption revisited," 335.

Although Pannor *et al.* refer to birth parents, it is safe to assume that these feelings are the majority experience of birth mothers as 36 women and 2 men took part in the study. Robin Winkler and Margaret van Keppel conducted a similar project in 1984 on birth mothers only.

Robin Winkler and Margaret van Keppel, *Relinquishing mothers in adoption: Their long-term adjustment*, (Institute of Family Studies Monograph No 3, Melbourne, May 1984).

²⁰Judy, Interview by author, 3 April 1990, Christchurch, tape recording.

Adoption secrecy for birth mothers was a form of punishment, a refusal by society to acknowledge an unmarried woman's pregnancy and motherhood, the product of her illegitimate sexual activity. However, both these assumptions are now known to be seriously mistaken.²¹

In the 1950s and 1960s the nuclear family was seen as a refuge from the world outside the home. However, the old moral certainty of the family was being challenged, though it was still expected to impart cultural values. 'The family' had divided into a variety of forms which challenged the traditional patriarchal model. There was a change in the way women's bodies were regarded during the fifties and after. Prior to World War II women's sexuality was inseparable from their reproductive capacity; motherhood was women's sexuality. However, after the War a separation occurred, even while the ideal of woman as wife and mother was again stressed. The increased availability of birth control and the possibility of divorce helped distinguish sexuality from procreation. Women were still seen in their role as mother but now they were also seen as consumers, and consumed. The new consumerism extended to motherhood itself. Although more women worked outside the home during the 1950s. Motherhood also was seen as a full-time career more worthwhile than any of the new opportunities which were opening for women.²² However, women's increasing economic independence meant that, from the 1950s on, women tended to have more power in their personal

²¹Rockel and Ryburn, *Adoption today*, 18-19.

²²Helen May, "Motherhood in the 1950s: An experience of contradiction," (chap. in *Women and education in Aotearoa*, Wellington: Allen and Unwin, 1988), 59.

relationships; they were less likely to be attached to the family institutions of marriage and motherhood.²³ However, other aspects of patriarchy supported the status quo of male dominance, as in the media images of women.²⁴

Subsequent legislation which consolidated the secrecy and confidentiality measures of the Adoption Act 1955 were to follow. The Birth and Deaths Registration Act 1951 was amended in 1961 and 1962. In 1961 the practice of endorsing the birth certificate issued after the adoption with the word "Adoption", the date of the order, the Court, and the adoption legislation under which the adoption took place, ceased. This was to enable the birth certificate issued to adopted children to be

²³*Ibid.*, 117.

²⁴Anne Ferguson in her book *Blood at the root* writes: "In keeping with the tendency of capitalism to commoditise as many objects and activities as possible in order to create and expand markets, the media . . . sell products by sexually objectifying women for men"

Ann Ferguson, *Blood at the root: Motherhood, sexuality and male dominance*, 159.

Men, too, are sexually objectified for women's consumption. "The increasing acceptance of premarital sex, a climbing divorce rate, a greater permissibility for 'nice' women to be engaged in sex outside of marriage, some acceptance in liberal areas of lesbian and gay sexuality, a proliferation of sexually explicit material for popular entertainment and relatively easy access to some form of artificial birth control have led many to suppose that there has been a sexual revolution which has benefited both men and women by allowing for freer sexual expression and self-determination than in societies characterised by family patriarchies."

Ibid., 14.

Sexual consumerism is part and parcel of what Jill Julius Matthews terms permissive consumerism and although this has given women new opportunities men have also consolidated their power over women in other ways. For example, the Domestic Purposes Benefit can be seen as simply exchanging a husband for the state. This is noticeable especially in the furore over women who cohabitated with men while on the Domestic Purposes Benefit.

Shawyer, *Death by adoption*, 52-60.

indistinguishable from any other.²⁵

The number of adoptions peaked in the 1971 at 3,976 and then began falling steadily. The introduction of the Domestic Purposes Benefit in 1973 marked the changing attitudes to motherhood outside marriage. In the space of ten years, from 1963 to 1973 the percentage of ex-nuptial births to births within marriage had risen from 8.88 per cent to 15.16 per cent. The number of adoption orders continued to fall.

Support for reform to the existing adoption law grew in the 1970s and it was argued that adoption's legal character had not kept pace with its social character. Adoption legislation had become inappropriate for most, if not all, of the situations in which it was used. That adoption law needed to be reviewed was clear to many. The major points of criticism suggested that greater flexibility and a shift away from secrecy was needed. In 1978 Jonathan Hunt, then a junior Member of Parliament in Opposition introduced a Private Member's Bill. His first two attempts to have the Bill heard in a second reading failed but in September 1980 he introduced an amended version--the Adult Adoption Information Bill--which was submitted to the Statutes Revision Committee for study. Although 95 per cent of submissions were in favour of law change the bill was repeatedly returned to the bottom of the Order Paper, avoiding the necessary second reading for the two remaining years of the Government's term in office. In 1984, with the change in Government, Fran Wilde undertook to reintroduce Jonathan Hunt's bill. Opposition

²⁵Leigh Langridge, "Adoption: The birth mother's experience," (M.A. thesis in Psychology, University of Auckland, 1984), 13.

was more organised this time, and of 118 submissions 65 per cent were in favour of the Bill, 16 per cent opposed it entirely and the remainder supported a compromise proposed by Ian McLean. It is useful to examine the various arguments against the Bill, as they show that attitudes towards women had changed little since 1955.

Ironically, the main area of opposition was framed as a defence of the rights of women, specifically birth mothers:

because of a concern for the anonymity of birth mothers, . . .
 . because it was believed that, if passed, the Bill was a
 breach of trust of past conditions relating to adoption; . . .
 26

Attention was focused on the birth mothers, the 'victims' of the proposed legislation. Patricia Webb stated that:

The main argument . . . raised against the proposal . . . to allow access to the records seems to be the possibility that the natural mother who has managed to 'live down' her past will one day find herself confronted by an adult son or daughter whose existence has never been disclosed to her family and whose belated appearance on the scene will wreck an otherwise happy marriage and contented family life.²⁷

Birth mothers were effectively disempowered by the repetitious claims that they had been made the victims of the Adult Adoption Information Bill. According to Mr McLean birth mothers would not be protected by the proposed Bill:

The Bill does not preserve the right of privacy, because any

²⁶Dr Cullen, Speech to the House of Representatives, 25 June, NZPD, vol. 463, (1985), col. 4931.

²⁷Webb answers the argument that birth mothers want their privacy preserved: "1. The first argument is evidence of the survival of earlier punitive attitudes towards the illegitimate child and its mother, and that its use as a basis for legislation will serve to perpetuate those attitudes, to give support to what I have argued is a wrong approach to adoption as a means of 'covering up' the past and to encourage the notion that adoption is somehow 'shady' and to be kept secret [sic] as far as possible. 2. The second is that what evidence there is does no [sic] bear out the fears expressed." Patricia Webb, *A Review of the law on adoption*, 90-91, quoted in Griffiths, *Adoption*, 49.

contact whatsoever with an adult adopted person or with birth parents can lead to a breach of privacy.²⁸

However, Fran Wilde repudiated the suggestion that birth mothers wanted their privacy preserved:

The belief that most birth mothers do not want contact to be made with their children is not borne out by the facts. It is fair to say that most birth mothers over the past 30 years would have had some understanding that secrecy was a precondition to the adoption taking place. . . . Those women gave birth at a time when society was fairly narrow and judgmental, and when no support was available for unmarried mothers. They wanted to do the very best for their children. They were in a vulnerable and very unequal position in terms of the power relationship with the authorities. Most of them readily agreed to adoption. They readily agreed to secrecy, and they bought the line that a clean start was best for them and the child, and that total anonymity and total integration into the adoptive family were the objectives.²⁹

The Adult Adoption Information Bill also raised questions about the rights of those involved in adoption. From the beginning, the opponents of the Bill had set up the debate as a confrontation of the rights of the birth parents, adopted people and adoptive parents.

The Bill deals with the issue of everyone's rights--adoptive parents' rights and the rights of adopted children. It is a matter of equality for all--natural parents, adoptive parents, and the children who are adopted. I see little

²⁸Mr McLean, Speech to the House of Representatives, 25 June, NZPD, vol. 465, (1985), col. 6135.

"It is important to hear from the women members on both sides. I ask that they be allowed to have their say in this matter. It is too easy for men to say that this is a Bill that makes women the victims. Let us hear how many of those women feel that the Bill will victimise them. I suggest that the reverse is the case; the Bill liberates women. It makes them proud to have been part of the ongoing call for new Zealanders to respect their children in the true strength of the Status of Children Act."

Bill Dillon, Speech to the House of Representatives, 7 August, NZPD, vol. 465, (1985), cols. 6155-6156.

²⁹Fran Wilde, Speech to the House of Representatives, 7 August, NZPD, vol. 465, (1985), col. 6132. Refer Appendix D for the full speech.

equality or sharing of rights if children have no legal right to know at any time in their life about their natural heritage.³⁰

The debate came down to whose right took precedent; the birth mother's right to privacy, or the adopted person's right to information.

The second argument for the privacy of the birth mother was abased on the supposed illegality of the Adult Adoption Information Bill. It seemed that, in large part, the opponents of the Bill relied on technicalities of law for their opposition, as George Gair stated:

I believe, however, that when what is just and what is legal are in conflict--and clearly there is a conflict here--we must work to reshape the law to serve the interests of justice, and not frustrate those interests and require that they conform with an inflexible law.³¹

The opponents of the Bill also used it as an example of retrospective legislation,³² that is, it was said that the Bill broke faith with the women who had given up their children for adoption and who had thought that they would never have contact with their children:

The retrospective aspect of the Bill is a great constitutional principle that is at stake tonight. Parliament should not pass any legislation that has a retrospective effect, except in the gravest circumstances. The Bill makes a mockery of that constitutional principle, .

³⁰Jim Anderton, Speech to the House of Representatives, 25 June, NZPD, vol. 463, (1985), col. 4943.

³¹George Gair, Speech to the House of Representatives, 7 August, NZPD, vol. 465, (1985), col. 6155.

³²In fact this argument is itself retrospective. As Keith Griffith notes: "It appears that one of today's oftne quoted reasons for adoption secrecy, '*to protect the birth parent from possible intrusion by the adult adoptee*', has never been expresse or considered in any NZ Statute or Parliamentary [sic] debate prior to 1978." Griffith, *Adoption*, 46.

However, Fran Wilde refuted that the Bill would break a contract between the State and the adoptive parents:

Those who advance that argument ignore the fact that the adoption agreement does not usually require the consent of the adoptee. How can the 10-day-old baby or the 1-year-old baby be seen to be bound for ever more by a scrap of paper signed by a birth parent and two adoptive parents--a scrap of paper that signs away that baby's personal identity and history? . . . agreement of this type is quite different from a contract, which is usually a function of the law of property. We no longer accept that people have the power to buy and sell other individuals, and we cannot apply contractual principles to the adoption agreement.³⁴

Although most people who opposed the Bill acknowledged that the open adoptions of the future would be desirable, they focused upon the past and birth mothers who had given up their children when adoptions were still closed. This ground for opposition was also rejected by Bill Dillon who established precedents for retrospectivity in the laws of divorce and of nullity.³⁵

However, opposition to the Bill was also based on the principle that it threatened both the philosophy of adoption and the family itself. John Banks stated in 1985:

The Bill attacks the fundamental philosophy of adoption. In so doing it also attacks the family unit. The philosophy of adoption is security and secrecy. In no way could I believe that any Bill that does not uphold that philosophy could be

³³John Banks, Speech to the House of Representatives, 7 August, NZPD, vol. 465, (1985), col. 6153.

³⁴Fran Wilde, Speech to the House of Representatives, 7 August, NZPD, vol. 465, (1985), col. 6132. Fran Wilde. Refer Appendix C for the full speech.

If the 'contract' argument is carried further, then adoption can be seen exploitative of the women who labour to produce a child for free. Instead, a birth mother exchanges her child for a 'clean slate'.

³⁵Bill Dillon, Speech to the House of Representatives, 7 August, NZPD, vol. 465, (1985), col. 6155.

good law for the country now or at any time in the future.³⁶

Keith Griffith, quoting Rita Dukette, noted the relationship between adoption and the preservation of family life which echoes Banks' concern:

The values of family is [adoption's] whole rationale. Planning for the structure of *adoption presumes that large benefits will make acceptable limitations inherent in a break with the past. . . .* The privacy and autonomy of the family are essential to the survival of democracy as a way of life and to the survival of adoption as an institution. Intrusions may destroy the delicate fabric of the family, both adoptive and biological.³⁷

Banks also saw the adoption Bill as a threat to "the moral fabric of our society".³⁸ He thought that the Bill would:

serve only to exacerbate the basic problems in our society regarding the family unit. The family unit is under attack by chapter 1 of so-called liberal legislation that will be delivered into the House within the next few months. The future of our nation lies in our ability to resurrect the importance of the family unit to its highest priority; that is the bastion of our society.³⁹

Not only would open adoption threaten the family unit but it would encourage higher rates of abortion. The opponents of the Bill were suspicious that "the bill will serve the causes of the pro-abortion people."⁴⁰ In fact they were symptomatic of permissive consumerism. Adoption was seen as the "better

³⁶Mr Lee, Speech to the House of Representatives, 25 June, NZPD, vol. 463, (1985), col. 4942.

³⁷Rita Dukette, "'Agency response to adoption records controversy'," 551, quoted in Griffith, *Adoption*, 47.

³⁸John Banks, Speech to the House of Representatives, 25 June, NZPD, vol. 463, (1985), col. 4941.

³⁹*Ibid.* Other threats to society were yet to come; the Abortion and Homosexual Law Reform Bill. . .

⁴⁰*Ibid.*
In this way the Bill was seen as part of a series of 'liberal measures'; which indeed it was. The Act helped to maintain the status quo, not challenge it.

decision" for young, unmarried and pregnant women. The Hon. Mrs T.W.M. Tirikatene-Sullivan thought that "girls should not be forced to decide on abortion instead of adoption because they are frightened that their identity will be revealed one day."⁴¹

Again, as in 1881, the Bill was a private member's Bill of conscience. The Act made it possible for birth parents and adopted persons to gain access to information about each other. A number of reasons were given for the Bill to be passed into law:

first, they believed that both parent and adoptees have a right to know about their origins; second, those who do not know about their origins have a feeling of incompleteness about themselves; and, third, because experience of relationships in which contact has been made suggests that on balance the final result leads to a greater sense of well-being.⁴²

When it came before the House again the Bill was finally passed into law as the Adult Adoption Information Act 1985, without amendments. From the time the Adult Adoption Information Act came into force on 1 March 1986, adoptions were deemed to be open, with unrestricted access to adoption information once the adopted person reaches the age of 20.⁴³

The essence of the Adult Adoption Information Act is to give adopted people and birth parents access to information about one another, while providing safeguards for those who want privacy. It allows birth parents and adopted people, once they

⁴¹The Hon. Mrs Tirikatene-Sullivan, Speech to the House of Representatives, 25 June, NZPD, vol. 463, (1985), col. 4944.

⁴²Dr Cullen, Speech to the House of Representatives, 25 June, NZPD, vol. 463, (1985), col. 4931.

⁴³Robert Ludbrook's book, *Adoption: Guide to law and practice*, provides a summary of current adoption law.

turn twenty, the right to contact one another. Each has the power to place a veto on identifying information if they do not want contact.

The overall trend in adoption law changes since its inception in 1881 have meant that adoptive relationships have been given more and more recognition and birth relationships less and less. Even in 1926 legislators prioritized the adoptive relationship; birth parents did not figure. Sir William Joynson-Hicks, in support of the English Adoption Bill in 1926, stated that:

. . . I can say with confidence that the system of adoption practised in New Zealand has been a success from every point of view. There is no doubt about its benefits to the infant adopted and to the adopting parents,⁴⁴

Apparently "every point of view" did not include birth mothers. Over the history of European adoption history there has been a consistent effort on the state's behalf to pass on responsibility for women and children to the family unit. It is in patriarchy's interests to preserve the concept of women, especially, as dependents. The post war periods saw family ideology strengthened. It seems that as the family in New Zealand has been threatened by various changes--after World War II by working women; in 1973 by the Domestic Purposes Benefit and a new, independent, motherhood--which provoked a patriarchal rhetoric in favour of marriage and the nuclear family.⁴⁵

Throughout New Zealand's (pakeha) history, the role of

⁴⁴Ian Campbell, *The law of adoption in New Zealand*, (Wellington: Butterworths, 1957), 7.

⁴⁵It is significant that the 1985 Adult Adoption Information Act does nothing to legislate for open adoptions.

motherhood has remained a central part of women's lives. The way in which women have disposed of their sexuality and motherhood have been areas which the state controls, through taxation, benefits, marriage law, and here, adoption law. Legislation such as the Adoption Act 1955 and the Domestic Purposes Benefit 1973 can be seen as attempts to regulate women's sexuality and reproduction even as they are described as liberal measures. The contradictory nature of these policies indicate a series of uncoordinated moves on which coherency is imposed by historians like myself. However, it is possible to discern motives for various changes and to assess the impact of these changes. While it may be useful for the historian to establish general trends from the available material (that is, to establish that adoption was part of an overall attempt to control women), local and particular analyses are what should be of concern. This chapter has gone some way to answering the question, "how were birth mothers made invisible?" The next question has to be "why were birth mothers silenced?" Chapter Five attempts to answer this question.

CHAPTER V

In Defence of patriarchy:

1955-1985

The model of the nuclear family has long been a standard unit of social and economic analysis and forms a basis for the control of women.¹ As Koopman-Boyden and Scott note:

To some extent, government support for the family of the 1980s is based on principles established in earlier periods. Countries still need children who are physically and emotionally developed, educated, socialised and prepared to pursue society's goals and objectives.²

Thus adoption slots into traditional (patriarchal) attitudes towards both women and the family, indeed, the adoptive family is the epitome of the nuclear family.³ Through adoption, birth mothers were offered a 'second chance', presumably to find a marriage partner and then to have children. Thus adoption has helped reinforce the nuclear family and so maintain the patriarchal status quo.

Although the family continues to be the central focus of women's lives, women's position within it has changed since the

¹"While it is generally agreed that the family is the cornerstone of New Zealand society, it is difficult to find formal, official statements establishing such a policy. Family values are largely assumed." A.C. Webster and L.Y. Williams, "Family and community: Social welfare cults," chap. in *Social Welfare and New Zealand Society*, ed. A.D. Trlin, 78-105, (Wellington: Methuen Publications, 1977).

²Peggy Koopman-Boyden and Claudia D. Scott, *The Family and Government policy in New Zealand*, (Wellington: Methuen, 1978), 11.

³Adoptive parents often felt pressured to be "super-parents".

1950s.⁴ As Koopman Boyden and Scott state in their book *The*

Family and Government Policy in New Zealand:

the traditional nuclear family (with its breadwinner father and full-time nurturer mother) is no longer accepted without question as being in the best interests of family members and the family unit.⁵

However, despite these changes there are still wide ranging inequalities. The New Zealand Official Yearbook for 1985 reports:

Even as women have entered the labour market, their family responsibilities have continued. . . . Women's growing presence outside the home raises some very basic issues about the structure of society--about the organisation of work and about roles in the family.⁶

It appears that changes which have occurred may not necessarily be beneficial for women. Adoption law, too, has effects which are not necessarily in women's favour.

Robert Ludbrook has stated that the central function of adoption law has always been the destruction of the original birth relationship, but it is doubtful that such an aim has been consistently, and consciously, adhered to. However, the most important result of the destruction of the original family relationship has been adoption secrecy which was reinforced by

⁴More recently, the Domestic Purposes Benefit, (the only Benefit to be paid directly to women), the Human Rights Committee Act 1977, the Maternity Leave and Employees Protection Act 1980 and in 1984 the Ministry of Women's Affairs was approved.

⁵Koopman-Boyden and Scott, *The Family and Government policy in New Zealand*, 12.

⁶New Zealand Department of Statistics, "New Zealand Women: their changing situation, 1970-1984," article in *New Zealand Official Yearbook 1985*, 1001.

the 1955 Adoption Act.⁷ Carol, a birth mother, stated:⁸

. . . I think the adoption process denies women or certainly denied me the reality that it really happened at all. You got pregnant but you didn't have a baby because there's no evidence, it's gone and because of the secrecy it wasn't acknowledged that there was for me a great huge part-- physically here [Carol gestures to her stomach] it was too--missing.⁹

The consequences of New Zealand's adoption secrecy not only affect birth mothers but have consequences for women everywhere. As Jill Julius Matthews states in her book, *Good and mad women*, "the difference between us is one of degree, not of kind."¹⁰ The forms of control birth mothers have been subject to are extreme, but are not new. Adoption focuses attention on women; women's sexuality, women's motherhood, women and marriage and in the nuclear family.¹¹

⁷The increasing restrictions on access to adoption records first date from 1915, intended to relieve adopted people from the stigma of illegitimacy. By the 1940s public adoption records were completely closed off. The motives had become more complex, ". . . secrecy was intended to protect single mothers (and their families from the shame of unmarried parenthood, to allow the child to escape from the legal and social embarrassment arising from public knowledge of their fertility." 1955 is commonly seen as the year in which adoptions were made secret although numerous pieces of legislation had already begun to restrict access to records about birth mothers.

Robert Ludbrook, *Adoption: Guide to law and practice*, (New Zealand: GP Books, 1990), 35. Refer chapter three for an assessment of the legislative changes.

⁸Refer Robin Winkler and Margaret Van Keppel, *Relinquishing mothers in adoption: Their long-term adjustment*, (Institute of Family Studies Monograph No 3, Melbourne, May 1984).

⁹Carol, Interview by author, 30 March 1990, Christchurch, taped interview.

¹⁰Jill Julius Matthews, *Good and mad women: The historical construction of femininity in twentieth-century Australia*, (Sydney: George Allen and Unwin, 1984), 4.

¹¹The term is problematic because there is of course no one form as is implied by 'the family'. However, 'the family' is useful as a category against which the success of women can be

Social stability during the period under study (and beyond) has been maintained by adherence to an ideal of family life which is both normative¹² and descriptive. Thus I argue that the family has masked the control of women through adoption's support of the nuclear family. It is my belief that the ideal of the nuclear family contains and controls women; as sexual beings, mothers, and wives.¹³

Unmarried mothers have posed a threat to the stability of family life and hence to that of society. Adoption solved such 'threats' by its affirmation of the patriarchal (adoptive) family. Jill Julius Matthews had argued that in Australia, until the 1960s, the very fact of an illegitimate birth was enough to

measured in living up to the feminine ideal.

¹²Other family forms, as in solo parenting are not merely seen as different, but worse than the nuclear family.

¹³In *Families with a Difference: Varieties of Surrogate Parenthood*, Michael and Heather Humphrey support adoption as an institution which maintains the nuclear family. According to Humphrey and Humphrey, childlessness and marital disruption threaten the survival of the nuclear family and the stability of society. Clearly marriage and the nuclear family enjoy some kind of exalted status (which Humphrey and Humphrey link to 'sexual fidelity'). Adoption helped recreate the nuclear family, so defending the patriarchal family structure. Humphrey and Humphrey's support for the nuclear family is a form of population ideology which disguises the social and reproductive control of women as a social good. Indeed, Humphrey and Humphrey do not question the practice of adoption itself. Adoption, after all, supports the family, so instead they measure how 'successful' an adoption is in terms of the adopted person's 'adjustment' to family life.

The introductory chapter of Michael and Heather Humphrey's book, "The nuclear family as an endangered species," and the final chapter, "Epilogue: will the nuclear family survive?" illustrate the authors' commitment to the maintenance of the nuclear family. Chap. in Michael Humphrey and Heather Humphrey, *Families with a difference: Varieties of surrogate parenthood*, (London: Routledge, 1988).

categorise a woman as an unfit mother; single motherhood, both morally and economically, was a contradiction in terms.¹⁴ Kate

Inglis writes:

The form adoption takes in modern societies is intimately related to the structure of the nuclear family which is based on marriage and the reproduction of children within that institution. Historically, almost all children adopted have been born outside marriage or have had their status changed by disruption or cessation of a marriage. Almost invariably they have been adopted into an existing marriage. In our society family ties and relationships are legitimised through marriage.¹⁵

This is borne out by New Zealand's adoption laws which forbid unmarried couples from adopting children.¹⁶ Indeed, law has indirectly supported the preservation of marriage in several ways. In 1977 Webster and Williams pointed out that "disruption of marriage as an institution is deterred and avoided."¹⁷

¹⁴Married motherhood is the outcome and proof of a woman's fecundity. Jill Julius Matthews writes: "Both religious and secular welfare bodies took for granted that the only course to take--in the interests of both baby and mother--was the adoption of the child by a fit (married, monogamous, heterosexual and respectable) mother. Such removal of her child was a punishment hard to bear for any woman. A baby was a reward, and the status of motherhood a prize within the gender order." Indeed, as Carol stated in an interview: "giving up a child . . . is one of the worst punishments you could give anybody." Matthews, *Good and mad women*, 180.

¹⁵Kate Inglis, *Living mistakes: Mothers who consented to adoption*, (Sydney: George Allen and Unwin, 1970), 1.

¹⁶In 1987 *The Press* reported on an interdepartmental review of adoption law which recommended that: "there should be flexibility in finding and selecting adoptive parents." *The Press*, 19-02-87, 7.

¹⁷"For example, where a husband and wife are living apart the court shall not make a maintenance order in favour of the wife if her husband is willing to support her provided she returns to him, unless in the court's opinion she cannot be expected to live with him, whether or not because of any wrongful conduct on his part (D. P. Act, s. 29). The same applies for the husband if the wife is willing to support him (D. P. Act, s. 34)."

Webster and Williams, "Family and community: Social welfare

Clearly, an ex-nuptial pregnancy signalled that a woman had betrayed the ideal of marriage, for which she should be punished. Unmarried mothers were separated from married mothers-to-be, as Margaret told me:

Then I went into labour, I went into hospital and I was put in this ward by myself where I wasn't really noticeable all the time . . . they stuck the unmarried types down one end; 'cause were sort of like lepers and we weren't allowed to contaminate the married women.¹⁸

Belinda recalls the social ostracism of birth mothers in her home town:

Waimate was really very narrow minded and it was just the talking point of the town. And the poor girl's couldn't show their faces on the street or anything . . . really ostracised. I can remember one family, and I didn't know them terribly well, and apparently the girl was much older than me, say 15 years older, well she had a baby quite young and the baby's grandparents brought the child up and the girl went off to another town somewhere. And I got to know the girl's brother quite well, and I wasn't allowed inside that door because of the stigma. . . . It was that type of thing, it was really . . . very hard.¹⁹

Carol remembers her experiences in hospital when she gave birth to her daughter in 1968:

I was very damaged. Even after thirteen days . . . I couldn't stand up straight. It's quite likely that some of the damage was deliberate . . . because some doctors do punish women who have illegitimate--so to speak--children, so I was very bruised and torn . . . and I was isolated in hospital they asked me to wear a wedding ring but I refused because I wasn't married and they put me in a room by myself. . . . straight after Pam was born I was taken up to my room and the matron came up with me and she stood at the end of my bed and the next door girl was crying and crying

cults," 88.

However, it is doubtful that many cases would involve the latter, when in November 1982 women's wages were still only 75.7 per cent of men's.

¹⁸ 'Margaret', Interview by the author, 16 March 1990, Christchurch, taped interview.

¹⁹ 'Belinda', Interview by author, 11 April 1990, Christchurch, taped interview.

and crying and she said to me, "the woman in that room has had a still born child you should have had that child." That kind of punishing behaviour. . . .²⁰

Nell's experiences of punishment have continued to the present day:

I was a bit hurt by the solicitor, they look at things in a different way. Monty and I when we got married . . . I wanted to leave Julie [Nell's birth daughter] something and Denise [Julie's daughter], . . . I said to him, "I want to leave my collection of Le Mouge to my daughter Julie," I said, "you know who I adopted away." "Oh", he said, "she's not your daughter. Once you're adopted that's nothing." I said, "I think of her as my daughter and," I said, "I'll always think of her as my daughter." So I said, "I want my daughter put in there please." And then when it came to Denise, I'm leaving her a ring. And he said, "is she the daughter of this?" and I said, "yes," and he said, "well she's not your granddaughter." I, I think it's cruel, you know.

The concerns of population control focused on women's bodies as the site for the reproduction of the nation. Thus women's sexuality became a matter over which law, the medical profession and politicians exercised control for the 'good' of the nation. Adoption was the perfect solution; it supposedly 'solved' the problem of infertility for many couples;²¹ created families for illegitimate children; and finally, gave birth

²⁰Carol, Interview by author, 30 March 1990, Christchurch, taped interview.
Joss Shawyer's remarks support what Carol stated: "Adoption is a violent act, a political act of aggression towards a woman who has supposedly offended the sexual mores by committing the unforgivable act of not suppressing her sexuality, and therefore not keeping it for trading purposes through traditional marriage. The crime is a grave one, for she threatens the very fabric of our society. The penalty is severe. She is stripped of her child by a variety of subtle and not so subtle manoeuvres and then brutally abandoned."
Joss Shawyer, *Death by adoption*, (Auckland: Cicada Press, 1979), 3.

²¹However, adoption did not a solution to infertility. It often encouraged people who were infertile not to come to grips with their own infertility.

mothers a 'second chance' at life.

In the fifties and sixties adoption came to be seen as an acceptable solution to the problem of women's sexuality outside marriage. In marriage a woman exchanges her services, both emotional and sexual (including reproductive services), for economic support from her husband. Marriage legitimates both children and women and provides economic support.²² Kate Inglis sees the issue of motherhood as central to adoption. Birth mothers hold an often untenable position: "Hers is a form of motherhood so at odds with our beliefs about women and mothers as to be invisible. And yet she was, and continues to be, a mother."²³

During the forties and fifties adoption had become increasingly acceptable as the demand for babies grew. The pre-war attitude towards 'illegitimacy' expected the unmarried mother to keep her child as a punishment. After the war birth mothers were regarded in a softer light and adoption came to be seen as a suitable solution for women who had 'strayed'. A birth mother could 'begin again' after the adoption, having 'slipped' rather than 'fallen'.²⁴ Birth mothers were often sent away for the duration of their pregnancy and the birth; as Margaret stated in an interview:

the next step was to make arrangements for me to go

²²Refer Chapter III, page 63, for the application of Malinowski's "principle of legitimacy" to adoption.

²³Inglis, *Living mistakes*, ix. Little wonder that birth mothers experience emotional problems after adoption.

²⁴Anne Else, "'The Need is Ever Present': The Motherhood of Man Movement and Stranger Adoption in New Zealand," *New Zealand Journal of History* 23, no. 1 (April, 1989): 47-67.

elsewhere, and there was no question about that--I mean there was no staying in Wellington. It was going out of town. My mother rang a friend of hers in Christchurch and asked if she could find somewhere. So she found these people who were looking for somebody to live in. They had a baby daughter and were looking for an "unmarried mother" to live in, sort of thing, and be the unpaid servant and maid and everything. . . . I *always* had the feeling they were looking down their nose at me slightly, because it was sort of, you'd done something that really, nice girls don't do--not have sex, but get pregnant--have sex, but for goodness sake don't get found out.²⁵

Belinda told me how she hid her pregnancy from her family and travelled to Auckland for the birth:

You see I had her in Auckland because it was a real no-no. I came from Waimate, little country town and being Catholic and that, it was really, you know no-no. . . . So I didn't tell Mum and Dad, I just went up to Auckland in the surmise that I had a job up there . . . (they) never knew. I lost my father earlier this year and right to his dying day I thought "will I tell him or won't I?"

I went to Auckland and . . . a Home of Compassion up there for a few months 'cause . . . they had good Catholic families lined up for these kids, you know. Of course that was the thing, to place them in good Catholic families sort of style. So you really had no option, no option. And under my circumstances, I suppose, although I was 22 by the time I had given birth to her, . . . I suppose [I was] much more mature than a lot of girls that were 15 and so forth. . . . but I still feel perhaps . . . because of the way things were at home I knew I had to do this on my own.²⁶

However, the myth that adoption gave birth mothers a 'clean break' to start again was not born out by the interviews I conducted with birth mothers. These birth mothers could not forget their children. Often their 'new start' was a continuing silent punishment for 'undesirable' sexual behaviour:

That was it, it was a cutting off thing . . . like having a part of you amputated, you know, you just simply cut it off, just like that. . . . we seem to we're forever putting on an act aren't we you know, that everything is fine. Yes, keep

²⁵ 'Margaret', Interview by the author, 16 March 1990, Christchurch, taped interview.

²⁶ 'Belinda', Interview by the author, 11 April 1990, Christchurch, taped interview.

up appearances, you know, no matter what, . . .²⁷

However, the survival of the adoptive family depended on a birth mother's silence.

Adoption contributed to population ideology and control; a form of control which has focused most clearly on women, their sexuality and motherhood. The relationship between adoption and the demography of women's experiences of birth and marriage has special significance for this analysis.²⁸ Thus it is important to examine women's fertility as an intrinsic part of the control of women's sexuality and reproductive capacity.²⁹ Adoption is just one effect which is part of a range of conditions that limit women and include social and economic forces which those in power do not always consciously direct or plan.³⁰ Obviously, the formulators of the Adoption Act 1955 did not anticipate that in

²⁷Kim St Clair, Interview by author, 29 March 1990, Christchurch, taped interview.

²⁸The regulation and statistical measurement of women's bodies appears as part of so-called objective science and as such carries an authority that is difficult to challenge. Women's sexuality is submerged in a maze of figures on their fertility. Therefore it is important to make explicit the *social* forces which regulate women's lives. The measurement and regulation of fertility has long been associated with "population control". Population ideology was the basis for New Zealand's first adoption legislation and influenced much that followed in the law and practice of adoption.

²⁹Adoption was seen as creating 'good' families which would build a strong (white) New Zealand. Race brings another perspective to issues of population ideology. For example the practice of adopting Maori children into Pakeha families may be compared to the practice, in Australia, of what has been termed a form of genocide. Aboriginal children, especially children of 'mixed blood', were removed from their aboriginal parents and 'assimilated' into white Australian culture by white families.

³⁰Rosalind Pollack Petchesky, *Abortion and woman's choice: The State, sexuality, and reproductive freedom*, (Great Britain: Vergo, 1986), 26.

under fifteen years the 'stigma' of illegitimacy would no longer be an issue.

It is important to relate changes in adoption to the changing rates of nuptial to ex-nuptial fertility as they indicate trends which have indirectly affected adoption practices.³¹ Among these changes was a trend towards increasing rates of marriage, as Webster and Williams reported in 1977:

people are marrying younger, beginning their families younger, completing their families sooner, spending a smaller proportion of their lives in child-bearing and child rearing, and having dramatically fewer children, than in 1900.³²

Although marriage rates have increased the decrease in marital fertility since 1962 has by far been the greatest influence on overall fertility rates. In 1979 the marital fertility levels were half what they would have been, had the 1962-3 levels continued unabated. Four main factors have been identified as influential on levels of marital fertility; women's labour force participation;³³ contraceptive efficiency; social attitudes relating to the role of women in modern society; and the broad sweep of changing social and economic conditions.³⁴

³¹In 1984 ex-nuptial children still accounted for 59.5 per cent of adoptions, 23.3 per cent nuptial and the remainder, 17.2 per cent, the status of the child was unknown. New Zealand Department of Statistics, *New Zealand Official Yearbook 1986-87*, 119.

³²Webster and Williams, "Family and community," 84.

³³There appears to be a persistent inverse ratio between fertility and women's labour force participation. Women's inclusion in the paid workforce has increased in both full-time and part-time work, especially for married women, with a notable acceleration of the tendency during the 1960s.

³⁴C. James O'Neill, "Fertility: Past, present, and future," in *The Population of New Zealand: Interdisciplinary Perspectives*, (eds. R.J.W. Neville and C.J. O'Neill. Auckland: Longman Paul,

Conversely, ex-nuptial fertility rates have risen. Between 1962-3 and 1971 ex-nuptial fertility rates were 34.5 per cent higher than they would have been had the 1962-3 rates still applied. A large part of the overall 37.9 per cent increase between 1966 and 1976, was due to the fact that the number of unmarried women in the 15-19 and 20-24 age groups actually increased. Women who were pregnant ex-nuptially were less likely to marry before the birth of the child. Ex-nuptial fertility rates have approximated adoption rates, as the number of adoptions peaked in the early seventies. The decline in adoptions reflects ex-nuptial fertility.

Historically, women have controlled their fertility primarily within marriage, that is, through birth control and abortion.³⁵ Contraceptive use has been influential in New Zealand's declining fertility rates. Birth control has been practised by European women since before the beginning of the twentieth century.³⁶ However, evidence showing the use of contraceptives does not mean that they were not dangerous and inefficient. The fact that women practised birth control is a testimony to their need rather than to the efficiency of those methods. In an article called "Fertility: Past, Present and Future," C. James O'Neill states that:

Until quite recently, however, available methods of contraception have had a relatively low level of efficiency, and abortion was a dangerous and occasionally fatal remedy

1979), 135.

³⁵*Ibid.*, 130-131. At least, it is women's fertility in marriage about which we have information.

³⁶Maori women are not included in this study.

for the unwanted pregnancy.³⁷

Although the statistics for contraceptive use by married women are relatively easy to obtain, information available on ex-nuptial births is scarce. As C. James O'Neill states ". . . we have little or no information [about the] frequency of intercourse, recourse to abortion, and levels of contraceptive efficiency."³⁸ The difficulty in making the experience of women's contraceptive use before marriage visible echoes the invisibility of birth mothers.

The issue of contraceptive use is another aspect of women's sexuality which is relevant to an analysis of birth mothers in adoption. In the fifties and sixties ex-nuptial sexuality was treated if it did not exist. It was felt that openness about sexuality and contraception would only promote sexual activity outside marriage. Contraceptive information was seen as part of a threat to the stability of the family.³⁹ One of the survey responses detailed the lack of options available to young, unmarried and pregnant women:

I had gone to my G.P. for contraception and on his principles sex before marriage was out and would not give contraceptives to single people. It had taken great courage to admit I needed it and to be refused was too much.⁴⁰

While adoption may have provided one sort of solution, it failed to show birth mothers how to be responsible for their own

³⁷O'Neill, "Fertility: Past, present, and future," 136.

³⁸*Ibid.*, 141.

³⁹Hence contraception was much more difficult for unmarried women to obtain. When they were obtained the fail-rate was likely to be higher than for married women since the use of the efficient forms of contraception are dependent on regular use.

⁴⁰Excerpt from survey response, May 1990, Christchurch.

sexuality. Contraception was socially condemned for young women during the fifties and sixties and difficult to obtain. Young women were frequently ignorant of birth control methods, let

alone pregnancy or birth. As Belinda stated in an interview:

You know your hormones might be running wild in your body but you weren't supposed to have sex. That was a real no-no. It's just a natural part of growing up, isn't it? I was just so sorry I was just so ignorant about it all. You sort of heard or saw other girls got pregnant, or fallen, or disgraced herself, but you think "Oh, never happen to me." First time up it did.⁴¹

Although Nell's case may appear to be extreme, her experiences as a birth mother in 1942 are indicative of many:

. . . I didn't know a thing. I thought that line up your tummy the babies came out of there. . . I didn't know. Well as I say Mum always said to me "don't you let a boy lay a hand on you." I mean it could be on your arm or anywhere for all I knew. I didn't know. And then you know you used to hear things it takes two and all this you know and then somebody said it doesn't you know it only takes one to get pregnant.⁴²

Brenda, who gave birth in 1971 to a son, was unaware of what was involved in pregnancy and birth:

I was really, really scared of giving birth, . . . I used to lay awake at night . . . really frightened because I didn't know. I mean they told you in the ante-natal classes what to expect [but] I just had no idea. . . . When I first felt it kick it worried me, . . .

Greer Litton Fox relates their ignorance to what she terms the 'nice girl' construct. The construct is a standard of femininity all women are supposed to live up to. Ironically, the 'nice girl' construct Fox talks about does not encourage contraceptive use among young women:

regular use of contraception requires preparedness and

⁴¹'Belinda', Interview by the author, 11 April 1990, Christchurch, taped interview.

⁴²Nell, Interview by author, 31 March 1990, Christchurch, tape recording.

preplanning: acknowledgement prior to coitus of the probability of coitus, and a willingness to take responsibility for sexual behaviour. But the only excuses a young woman may give for sexual intercourse prior to marriage and still claim some vestige of niceness to herself are coercion (rape) and, more importantly here, to be so uncontrollably in love as to be virtually swept away by the spontaneous and unrestrainable passions of the particular moment. . . . In short, in order to be responsible for her "virtue" or "niceness," the nice girl construct requires that a woman be irresponsible sexually with regard to contraceptive use.⁴³

Responses to the surveys I sent out confirm Fox's idea.

If you weren't supposed to do it, you wouldn't contemplate [using] contraception.⁴⁴

As I got pregnant the first time I had intercourse I had never considered needing contraception. I had not planned to have intercourse otherwise I would have taken precautions.

Apart from condoms which got thrown around at school you didn't really know about anything else . . .⁴⁵

I knew the word condoms but that was all . . .⁴⁶

Birth mothers were equally ignorant about abortion. Often it seemed easier to ignore the pregnancy. As one birth mother commented in a survey response: "Although I knew I was pregnant, part of me was trying to deny it, so it was five months before I finally saw my G.P. by which time it was too late."⁴⁷

While parallels can be drawn between contraception and adoption--the invisibility of women's sexuality--the similarities

⁴³Greer Litton Fox, "'Nice Girl': Social control of women through a value construct," *Signs* 2, no. 4 (Summer 1977): 816.

⁴⁴Excerpt from survey response, May 1990, Christchurch.

⁴⁵'Jenny', Interview by the author, 06-04-90, Christchurch, tape recording.

⁴⁶Judy, Interview by the author, 3 April 1990, Christchurch, taped interview.

⁴⁷Excerpt from survey response, March 1990, Christchurch. Janet gave birth in 1971.

between adoption and abortion is much closer. Rosalind Petchesky states that ". . . abortion is the fulcrum in a much broader ideological struggle in which the very meaning of the family, the state, motherhood, and young women's sexuality is contested."⁴⁸ Adoption, too, is the focus for a wide range of issues which are linked to women's sexuality. A short analysis of the politics of abortion is necessary in order to make the similarities (and differences) between abortion and adoption clear.

The arguments for adoption secrecy and against abortion are informed by the same patriarchal interpretations of women's sexuality, motherhood and the family. The debates about abortion strike at the heart of patriarchy; ". . . by focusing on the relative rights of women and embryos, the abortion debate has become '*a referendum on the place and meaning of motherhood*.'"⁴⁹ The nuclear family has been held up as the ideal site for motherhood, and in order to become part of a family a woman has had to marry. The rhetoric about the family which is so prominent in the debates on New Zealand's adoption legislation is reflected in that of the abortion 'pro-life' lobby. For example, the *Contraception, Sterilisation and Abortion Act* buttresses "an ideology of the nuclear family which supports the oppression of women by defining them as wives and mothers whose place is in the family."⁵⁰ The statistics for abortions in New Zealand confirm

⁴⁸Barbara Brookes, "Abortion politics," *Womens Studies Journal* 4, no. 1 (September 1988): 89.

⁴⁹*Ibid.*, 91.

⁵⁰*Ibid.*, 92. Refer Allanah Ryan "Playing at Happy Families: the State and Fertility Control." *Women's Studies Journal* 2 2 (1986): 56-69.

this picture. As Barbara Brookes notes in "Abortion Politics":

Most abortions in New Zealand are carried out on women under the age of twenty-five and a similar proportion on women who have never been married. The latter point suggests that abortion serves to reinforce 'existing social relationships'. . . , in that marriage is regarded as the proper site for the bearing and raising of children.⁵¹

Support for adoption secrecy has been couched in similar terms.

As with the 'pro-life' lobby in the abortion debate, supporters of closed adoption are in favour of the preservation of the traditional, nuclear, patriarchal family. Sir Robert Muldoon, for example, cited rising rates of abortion (which he saw as a sign of increasing immorality) as one of the reasons that the Adult Adoption Information Act should not be passed. Muldoon's conservative stance was consistent with the 'pro-life' activists who hold ". . . a conservative approach to sexuality, including disapproval of pre-marital sex, birth control for teenagers, sex education and divorce. . . ."⁵² Both abortion and adoption debates focus on the most vulnerable time in a woman's life, between childhood and marriage, when a woman's sexuality is dangerous and pregnancy a fate almost worse than death.

Adoption and abortion present different aspects of women's sexuality. For most of this century adoption has been seen as the 'good' solution to the ex-nuptial sexuality of young

⁵¹*Ibid.*, 92.

There are two important changes to be noted in the under twenty age group: higher rates of contraceptive usage and the introduction of the Domestic Purposes Benefit have helped young women keep their babies. "It is these factors, rather than induced abortion, that have had an impact on the number of babies available for adoption."

Ibid., 93.

⁵²*Ibid.*, 90-91.

women while abortion has been regarded by patriarchal interests as dangerous, encouraging promiscuity and the eventual breakdown of a stable society. The legalisation of abortion "reveals sex", as Petchesky writes:⁵³

The unwed pregnant (white) girl who drops out of school is pathetic, victimized by her folly or by an unscrupulous male; she remains an outsider, a mystery. The girl who has a legal abortion, on the other hand, returns as a reminder of the possibilities of sex, sex that is penalty-free.⁵⁴

Margaret gave birth to her daughter in 1965. Her experiences confirm Petchesky's view:

I was a non-person really. I mean, just, you weren't allowed to really revel in your pregnancy; I mean like I've had subsequent pregnancies where I've been so proud to be pregnant. And it was like something I was ashamed of, of being pregnant, it was pretty awful, being pregnant really.
...⁵⁵

However, while feminism has long recognised abortion as an area in which the control of women is exercised, the extent to which adoption has also functioned as a form of social control over women has yet to be recognised. The parallels between abortion legislation and the *Adult Adoption Information Act, 1985* are important because they show whose interests are being served.⁵⁶ The possibility of open adoption was, and still is, threatening to conservatives because it "reveals sex" and is therefore threatening to the traditional, patriarchal family. Just as the woman who has a legal abortion is a reminder of the possibilities of ex-nuptial sex, so is the birth mother (especially in open

⁵³Petchesky, *Abortion and woman's choice*, 209.

⁵⁴*Ibid.*, 209.

⁵⁵'Margaret', Interview by the author, 16 March 1990, Christchurch, taped interview.

⁵⁶*Ibid.*, 209-210.

adoptions), a reminder of an alternative to a socially acceptable sexuality that is represented by the adoptive family. Opposition to the Adult Adoption Information Act was so vociferous because it threatened the removal of secrecy provisions which had made birth mothers invisible. Abortion legislation, like adoption legislation, controlled women's bodies by denying them their reproductive freedom and independence.

The policy on abortion has had practical effects which feed into adoption. I found that a number of the birth mothers I interviewed had found access to abortion services difficult. Today, existing arrangements make obtaining an abortion an often time consuming and painful experience. Indeed, there seems to be little practical change in the reproductive freedom of young pregnant women since the sixties:

[abortion] was illegal at the time. Though I knew it was possible to get one unofficially. As a working class person I did not have access to networks of information which would have put me in touch with 'sympathetic' doctors. I was very distressed at not being able to get an abortion and to this day am angry about it.⁵⁷

As well as limiting the practical availability of abortions the *Contraception, Sterilisation and Abortion Act* limited the availability of contraceptive advice to young people.⁵⁸ Sex education was not allowed on a class basis:

teachers were also warned that instruction in the use of contraceptives could be interpreted as illegal persuasion of the child to use them. . . . Sex education is still illegal

⁵⁷Excerpt from survey response, daughter born and adopted 1968.

⁵⁸Jocelyn Brooks, Kitty Tims, Lyn Dawson, Yvonne Hirst, May McIntosh, Esther-Mary Penhale, Louise Routledge, Marforie Trim and Toni Church, *Ill conceived: Law and abortion practice in New Zealand*, (Dunedin: Caveman Press, 1981), 99.

in primary school.⁵⁹

New Zealand's policy on abortion is overwhelmingly conservative and reflects patriarchal attitudes to women's sexuality.

By 1955 important changes had come about in attitudes to women's sexuality.⁶⁰ The Adoption Act 1955 conformed to current ideas about the role of women and the sanctity of family life in instituting the secrecy provisions. In the process birth mothers and their sexuality were completely hidden by the adoption process. By silencing these pregnant women, by sending them away for their 'confinement', birth mothers' sexuality was effectively punished. Carol, one of the birth mothers I interviewed, stated: ". . . your child taken, that's the worst punishment, that is punishment, that's what you deserve because that's what you've done. That's the message."⁶¹ The hardest part of being a birth mother was the point at which the baby was handed over. This is Margaret's story beginning with the birth of her daughter:

I had to inspect her, look her over thoroughly and make sure she was perfect, and she was. So I fed her, I had to breast feed her of course, so I sort of got to know her. And I tried not to think about the fact that I wasn't going to

⁵⁹*Ibid.*, 120-121.

⁶⁰In the mid-twentieth century Kinsey, Masters and Johnson had brought greater social approval to sex for women. As Ferguson states: "Kinsey assumed the 'natural' aims of sex are orgasm and the mutual sexual gratification of sexual partners, he wanted to drop the sexual double standard that forbade women's premarital sex yet condoned this for men. . . . [However] what initially may appear to be a defence of the right of women to have different sexual pleasures than men thus ends up as a means/end argument in which clitoral pleasure is made to serve, ultimately, the end of heterosexual marriage." Ann Ferguson, *Blood at the root: Motherhood, sexuality and male dominance*, (London: Pandora Books, 1989), 61-2.

⁶¹Carol, Interview by author, 30 March 1990, Christchurch, taped interview.

keep her. . . .

The day that I left hospital, I was in hospital for ten days, and the day that I left it was just, probably the worst day of my life. She, they had brought her to me, one of the nurses was quite kind and said "could I have some extra time to say goodbye to her?" and so they left me alone and I called her Elizabeth--that was the name I called her because all through my pregnancy we'd called her "Liz", you know, as a sort of a nick-name. . . . And . . . when she was born and she was a girl, I called her Elizabeth. . . . So I spent this time with her, and I undressed her and I just cuddled her and talked to her and she never took her eyes off my face. She had very dark eyes and these little eyes just bored into me, and I tried to tell her that I loved her and that I didn't want to give her up, and it wasn't my idea, and I hoped that she'd be happy, and she was always to remember that I loved her. And she just stared at me, just stared at me, as though she really knew what I was saying. I know it's silly, but it's what I thought. And then they came, and they took her away, and it was just terrible. Just gone, like that.

And then I left hospital that day, I had gone to get dressed and go out, sort of get on with it, get on into the world. And it was the matron or the charge nurse of the maternity ward, she came and said to me, . . . when she said goodbye, she said "Just put it all behind you now." You know, "she's going to a good home, just put it all behind you." You know, like, "oh well, that's alright, just step out into the sun, it's alright."

And I just remember walking out those hospital doors, and just absolutely numb. Just this dreadful feeling. It feels like--nothing on earth--it's just terrible. And I've had some horrible things in my life, but there's nothing to compare with that, really nothing to compare. I mean, that feeling, it's like a death I suppose, and yet it's not. So you're not allowed to grieve for her. Nobody expected me to do any grieving or anything. I went back to the place I'd been staying and I stayed there for another couple of weeks; until I was strong enough to go out into the world again. So I stayed there for another couple of weeks and it . . . wasn't discussed at all.⁶²

Belinda gave birth to her daughter in 1968. No one in her family knew:

I was 48 hours in labour and she was 10 pounds 3 ounces, . . . yes she was 3 weeks overdue, so it was hard going. . . . I think coming home and sort of trying to bounce back and you want to hold yourself because you've got all those stitches down there.

I had the baby, came home on my tenth day and still had

⁶²'Margaret', Interview by the author, 16 March 1990, Christchurch, taped interview.

to keep it a secret. And at that stage my sisters were having babies and as soon as I got home I was godmother for my sister's little girl. Oh that was tremendously hard, holding a little baby.⁶³

The secret was kept from almost everyone, as Judy, a birth mother, told me in an interview:

Even at this reunion a couple of weeks back there was one girl I sat with. . . . And she was surprised because none of primary school years or high school years knew at all, they just had no idea. . . . Even my best friend never knew.⁶⁴

The secret of a birth mother's pregnancy was sometimes kept even from members of her own family. Carol's youngest brother did not know of the adoption until five years later.

The atmosphere of secrecy which surrounded an adoption in the fifties and sixties was supposedly 'in the best interests of the child' first, and of the birth mother second.⁶⁵ Secrecy was supported by a competition of interests between a birth mother and her child. As Anne Else notes,

'by concentrating on how the child's status was to be changed, rather than whether or why, the new Act strengthened the idea that what mattered was the rapid conversion of an 'abnormal' situation into a 'normal' one by the legal fiction of adoption.'⁶⁶

⁶³'Belinda', Interview by the author, 11 April 1990, Christchurch, taped interview.

⁶⁴Diane, Interview by the author, 3 April 1990, Christchurch, taped interview.

⁶⁵Who in law always remains a child regardless of age. As Griffith notes: "The Adoption Act 1955 Section 2 "Adopted child," means 'any person concerning whom an adoption order is in force'. When an adoptee becomes an adult they are still regarded per definition as an 'adopted child'. Not only in the Law but also in common usage an adult adoptee is often referred to as 'an adopted child' no matter what their age."

Keith Griffith, *Adoption: Procedure, documentation, statistics: New Zealand, 1881-1981, 100 years*, (Department of Sociology and Social Work, Victoria University of Wellington, 1981), 125.

⁶⁶Else, "'The Need is Ever Present'," 48.

Carol Smart points out that the concept of the rights of the child is often used in cases of disputed custody as in divorce cases. She states that:

. . . the judiciary's use of this criterion has been criticized on the basis that it is an empty concept, that it merely disguises support for the patriarchal order, and that it is an irrelevance because the courts merely rubber stamp agreements made by parents.⁶⁷

That is, adopted children inadvertently maintain the patriarchal status quo.

The control of women in adoption has also been influenced by the changing status of children. The secrecy of the 1955 Adoption Act was intended to save adopted children from the stigma of illegitimacy. Anne Else notes that the reaffirmation of the nuclear family in the post war period introduced a new dimension to the rights of the child. In 1959 the United Nations adopted a Declaration on the rights of the child. Among other points, the Declaration stated that a child should ". . . grow up in an atmosphere of affection and security, and wherever possible in the care and under the responsibility of parents, . . . to be protected against all forms of neglect, cruelty, exploitation, to be protected from practices which may foster any form of discrimination."⁶⁸ Anne Else has showed that the child's rights in the post World War Two era, were more than ever inextricably

⁶⁷Smart, *Feminism and the Power of Law*, 16.

⁶⁸From this statement the New Zealand IYC National Committee on the Law and the Needs of the Child, stated that "a child needs to belong to a family". No attempt is made to define what constitutes a 'family' only that it is a necessary condition for the welfare of a child. R. Hewland, "Who speaks for the child?," 27. In *The rights of the child and the law*. A collection of papers presented at a conference held in Christchurch on 23, 24, 25 November, 1979. R. Hewland, "Who speaks for the child?," 27.

linked to the model of a family which included "both a breadwinning father and a stay-at-home mother".⁶⁹ The goal was to get children to "grow up correctly adjusted to their natural gender roles."⁷⁰ In his thesis "The Governing of Children," Dugald McDonald has argued that adoption was subject to what he terms 'embourgeoisement' after the Second World War. He attributes the increasing popularity of adoption to its 'capture' by the middle class and to changing attitudes towards the nuclear family which are characteristic of modern industrialised capitalist societies:

Fertility was a commodity which could be purchased but only when an adequate emotional bonding and dependence was assured. As privacy and confidentiality has a prime, and sometimes economic, value in capitalist society, these transactions were offered in secrecy at all times in a ritual orchestrated by the state.⁷¹

The complete break theory guaranteed both secrecy and an irrevocable 'bond' with the adoptive family.⁷² At the same time

⁶⁹Else, "'The Need is Ever Present'," 66.

⁷⁰*Ibid.*

⁷¹Dugald McDonald, "The governing of children: Social policy for children and young persons in New Zealand 1840-1982," (Ph.D diss., in Sociology, University of Canterbury, 1988), 274.

⁷²Adoptive parents had earned the 'right' to have a child when they married, and their fertility, or infertility, was not supposed to stand in the way of that right. In her book, *Abortion and woman's choice*, Rosalind Pollack Petchesky makes a point about abortion and the 'right to choose'. The point that Petchesky makes is that the critical issue is "not so much the content of women's choices, or even the 'right to choose', as it is the social and material conditions under which choices are made". (Quoted in Barbara Brookes, "Abortion Politics," 90. From Petchesky, *Abortion and woman's choice*, 11). As Petchesky points out "the 'right to choose' means little when women are powerless." (Petchesky, *Abortion and woman's choice*, 11). This is borne out by New Zealand's abortion law, which in 1977 legalised abortions in New Zealand. However, the service shortfall in the practical application of the *Contraception*,

adoption denied young, single women the 'right' to bear and rear children.

In 1983 Ian McLean offered an alternative to the Bill proposed by Jonathan Hunt. His amendment would mean that adoption information was to be given only if both birth parent and child had signalled a willingness for it to be disclosed; any breach of that privacy was to be treated as a punishable offence.⁷³ The basis for his proposal was the protection of the privacy of birth mothers. In this way the invisibility of birth mothers was continued by McLean's assumption of what constituted birth mothers' rights. Pitted against the birth mother's 'right to privacy' are the rights of the adopted child.

The creation of an opposition of interests between the woman and her child/embryo is an artificial construction which has been part of adoption since the first Adoption Act of 1881.⁷⁴ This opposition does not in fact serve the interests of the child

Sterilisation and Abortion Act means that access to abortion services is marred by the uneven distribution of endorsed practitioners around the country. In the South Island it is noticeably more difficult to get an abortion, especially in Southland and on the West Coast. The point of comparison here is a birth mother's 'choice' to have her child adopted out.

⁷³M. McNicholas and J. Wheeler, "Privacy of birth mother paramount," *New Zealand Womans Weekly*, (12 December 1988): 4. Birth mothers were given privacy in exchange for their children. Most birth mothers later married and had more children, unwittingly subscribing to the form of the family that had deprived them of their own child.

⁷⁴It is an opposition which continues today in the form of the NRT, as Patricia Spallone states in *Made to order: The myth of reproductive and genetic progress*, (Oxford; Pergamon Press, 1987), 187:

"For women, the split between women's interests and embryo interests, between women's interests and children's interests, is false. It is created by technology, not from women's experience."

(who is the unwitting product of adoption secrecy) but the interests of patriarchy in maintaining the centrality of the nuclear family in women's lives.⁷⁵ Adoption becomes an arena in which the role of mother in its traditional patriarchal sense is reaffirmed. During the era of closed adoptions birth mothers were supposed to 'get on with their lives' after the adoption. That means being a wife first and mother second.

The law and practice of adoption is not the simple denial of rights to women. Nor is adoption law an obvious punishment. The 1881 and 1955 Adoption Acts were both regarded as pieces of liberal legislation. However, the appearance of liberality does not guarantee that law would work for women, indeed, as Carol Smart notes, law has the potential to "regulate women's activities whilst appearing most liberal and benevolent."⁷⁶ Adoption law has access to the most minute aspects of women's lives.⁷⁷ The 1955 Adoption Act's power over women lay in its ability to both destroy and create such relationships.

In many instances law has removed the more obvious controls over women, granting women 'equal rights' in various areas. The emergence of an ideology of equality of rights, universal suffrage, and equality of opportunity in the nineteenth

⁷⁵While abortion is presented as a contest between a woman and the embryo she carries, those who support adoption secrecy focused on the relative rights of a birth mother and her child.

⁷⁶Carol Smart, *Feminism and the power of law*, (London: Macmillan, 1984), 97.

⁷⁷"It is not that women can never 'win' individual cases, that is not the point. Rather it is the ways in which law seeks to regulate women's bodies--whether liberally or punitively--and to reproduce specific, negative ichnographies of female bodies which need to be challenged."
Ibid.

century had brought with it important implications for the position of women in society. If the premise that all men (and women) were created equal was to be accepted, it then became more difficult to exclude particular groups from the exercise of those rights.⁷⁸ The close relationship between women's accepted role and the claim for women's rights had ensured that the cause of the franchise would be conceded early in New Zealand. Indeed, the oppression of women has become less overt as legal rights have been conceded and as oppression becomes more subtle in its strategies and effects.⁷⁹

The continuing relevance of a "rhetoric of rights"⁸⁰ for women has become questionable. As Smart suggests, the rights discourse may even be detrimental to women.⁸¹ This discourse of rights has entered adoption from the point of view of birth mothers and adopted people. The 'rights of the child' and the 'rights of the birth mother' have been used first, to justify the continuation of adoption practice, and second, to justify secrecy in adoption.⁸²

⁷⁸I use Smart's definition of rights as it is useful in showing what happened with women and adoption law. Chap. in Smart, *Feminism and the power of law*, 138-159.

⁷⁹For example, in 1893 the franchise was extended to women. In 1919 women were made eligible for seats in Parliament.

⁸⁰Smart, *Feminism and the power of law*, 139.

⁸¹The rights that Smart discusses are not fundamental, rather they are formal rights and are admitted in exchange only if certain conditions are met.

⁸²The discourse of rights and the move towards an ethos of self gratification has been joined, in the post World War II years, with "... a society increasingly oriented to consumption rather than thrift and production, ..." Post-war prosperity meant that the domestic 'ideal' could be fulfilled by women who were no longer needed in the workforce as men returned from war.

Sevenhuijsen has argued that it is important to recognize that certain desires cannot be resolved simply by resorting to legislation.⁸³ No matter how important they may be, it may be mistaken to assume that they are soluble through the processes of law. Indeed, she argues that the legal 'resolution' itself often brings in train unforeseen consequences which intensify modes of oppression:⁸⁴

In constructing these 'conditions' of secrecy' law is also sustaining one family structure as privileged above all

Perhaps women were pacified by their role as consumers. Erik Olssen and Andree Levesque, "Towards a history of the European family in New Zealand," chap. in *Families in New Zealand society*, eds. Peggy Koopman-Boyden, (Wellington: Methuen, 1978), 17.

⁸³Zipper and Sevenhuijsen state: "There is an important leap between the voicing of individual desires (which may indeed be widely held) and the enshrinement of such ideals in legislation." On the issue of adopted people and their need to know about their biological origins:

". . . there is an amazingly quick and unchallenged translation from 'longing' to 'interest' to 'right' in the legal sense. We think it is an urgent matter to question this chain of reasoning, without denying the authenticity of these feelings about 'roots'." Basically Zipper and Sevenhuijsen are questioning the transformation of historically specific desires into enforceable legal right because in the transition these desires can become oppressive forms of regulation.

Juliette Zipper, and Selma Sevenhuijsen, "Surrogacy: Feminist notions of motherhood reconsidered," chap. in *Reproductive technologies: Gender, motherhood and medicine*, ed. Michelle Stanworth, (Cambridge: Polity Press, 1987), quoted in Smart, *Feminism and the power of law*, 103.

⁸⁴"The examples provided here show how the law has become regarded as a private solution to social and political problems. But it is a 'remedy' which avoids addressing fundamental inequalities between women and men, or between classes and ethnic groups. The legal 'remedy' individualizes these social issues--giving the individual the impression that law can be used to resolve his, or less frequently her, personal problem. This extension of the terrain of law must be combined with the idea of the refraction of law into more and more intimate areas of social and personal life." For example, it is interesting that the argument against the Adult Adoption Information Act was framed in terms of a protection of women's privacy. *Ibid.*, 103-104.

others. It disallows informal arrangements which might enable a mother who cannot care for a child to remain known as the child's mother. It argues that it is in the best interest of the child that it goes to a nuclear family rather than being left in limbo without a 'proper' family. In the light of these considerations the key question is not so much whether there should be a right to know one's biological parents, but in whose interest is it that is was kept secret in the first place?⁸⁵

Adoption, in fact, was 'best' for the continuation of the patriarchal, nuclear family. Adoption has worked with the welfare state ". . . to reproduce the dominant class, race and gender relations--including the 'stable' male-headed nuclear family."⁸⁶ The challenge to adoption secrecy has been, in effect, a challenge to the efficacy of the traditional, patriarchal family.

Supply and demand was at work in the sixties and early seventies as the numbers of women giving up their children for adoption increased at a greater rate. The consumerism of the post-war years lent itself to the 'baby market' that adoption was becoming. Adoption in the sixties was widely accepted, and as there was yet little in the way of state support for unmarried mothers, women had little choice but to consent to adoption.

It has been suggested that the adoption 'baby boom' was a factor in the decrease in stranger adoptions after 1971.⁸⁷ Women whose children were not among those most sought after by adopting parents feared that their child might not be placed at all. Few studies have been conducted on the effects of adoption on birth mothers. However, in 1977 the Auckland branch of Society for Research on Women conducted a study titled . . . *what shall I*

⁸⁵*Ibid.*, 103.

⁸⁶Petchesky, *Abortion and woman's choice*, 101-102.

⁸⁷Else, "'The Need is Ever Present'," 49.

do?: the unmarried mothers' decision.⁸⁸ The author of the study, Barbara Beckingham, linked the decrease in adoptions to legislation which required the 'putative' father to pay maintenance for his child and to the provision of a Social Security Benefit for mothers who had attempted to obtain the maintenance.⁸⁹ However, Beckingham also noted the widespread ignorance of benefits among the mothers interviewed in 1973. She laid responsibility for birth mothers' ignorance with the Department of Social Welfare, stating that "the policy of the Department of Social Welfare seems to be to make this information hard to obtain."⁹⁰ This suggests that women were still being

⁸⁸Five hospitals were approached (with one refusal) and 210 women were interviewed twice between May and November 1973. The study showed that the proportion of ex-nuptial births to total live births was rising, in spite of a decrease in the overall birthrate. More importantly, it showed that at the same time the number of babies available for adoption was falling. Barbara Beckingham, *'What shall I do?'*--The unmarried mother's decision," (Auckland: Auckland Branch of the Society for Research on Women in New Zealand, 1977), 2.

⁸⁹In 1973 the Domestic Purposes Benefit (Statutory) became available to unsupported mothers over the age of 16, resident in New Zealand, having the care of a dependent child and having exercised her rights to maintenance. The availability of this maintenance to women under sixteen years of age, the legal 'age of consent', was limited as these women were often unwilling to name the father, for, if named, he would be liable to charges of carnal knowledge.

Benefits available to unmarried mothers in 1973 included the Sickness Benefit, Emergency Sickness Benefit, Additional Benefits, the Family Benefit, Emergency Unemployment Benefit, The Domestic Purposes Benefit, and Additional Benefits.

⁹⁰Barbara Beckingham, *"What shall I do?"*, 23. Beckingham's approval of adoption is implicit: "the only course requiring positive action is that of giving up the baby for adoption. If the mother does nothing, as the only legal guardian of the baby she automatically keeps it. Often she has become an unmarried mother through lack of positive action at the earlier points of decision making."

Ibid., 29.

The emphasis Beckingham places on the *decision-making process* suggests that she regards adoption as the only option for

controlled, to an extent, by Social Welfare services.⁹¹

In 1979 a follow up study, . . . *what I did: the effects of the unmarried mother's decision*, established that the effects of adoption were detrimental to birth mothers, both emotionally and physically.⁹² The study found that, when compared with keeping mothers, birth mothers had experienced the poorest health: "The women whose babies had been adopted had . . . a comparatively high incidence of emotional problems, usually referred to as depression."⁹³ Table II shows the differences between birth mothers, partnered "keeping" mothers and unpartnered "keeping" mothers.

The problems encountered by birth mothers were different to those women who had kept their children. While 18 per cent the "keeping" mothers listed emotional problems, 90 per cent of birth mothers' problems were emotional, arising mainly from the adoption experience.⁹⁴ A section titled "Personal Unhappiness" compared "keeping" mothers (both partnered--in a de

unmarried women.

⁹¹However, while the study purports to examine 'the unmarried mother's decision', the conclusion suggests that the only decision that could be made by unmarried mothers was to give up the child for adoption.

⁹²Of the 200 original interviews, 147 took part in interviews. Of these interviews 97 were with women who had kept their babies, 38 with women whose babies had been adopted and 8 with women whose babies were in foster care. Barbara Beckingham, *What I did: A follow-up study of the unmarried mother, her decision and its effect on her life ten months after the birth of her baby*, (Auckland: Auckland Branch of the Society for Research on Women in New Zealand, 1979), 1.

⁹³*Ibid.*, 14.

⁹⁴*Ibid.*, 25.

Table II

HEALTH HISTORY SINCE BIRTH OF BABY

	Adopt		Keep partnered		Keep unpartnered	
	No	%	No	%	No	%
No illness	21	55	28	64	33	62
Physical illness	12	32	14	32	16	30
Emotional illness	3	8	2	4	1	2
Both	2	5	-	-	3	6
Total	38	100	44	100	53	100

facto relationship--and unpartnered mothers) and birth mothers. Again, it was the birth mothers who recorded the highest levels of emotional distress:

Thoughts of their babies were constantly with 9 of the women, 2 of whom felt a great need to replace them. A further 5 were suffering through being unable to discuss their experience, either because no one knew about it or because no one was interested or understood their feelings.⁹⁵

Popular pressure in the seventies and eighties brought a reassessment of the state's adoption policy. The result was a liberal law; the 1985 Adult Adoption Information Act. Robert Ludbrook has brought his perceptions as a lawyer to the law and practice of adoption:

The 1985 Act set out to provide birth parents and adult adoptees with greater access to information about a child or parent with whom their relationship had been severed by adoption. For adoption orders granted after 1st March 1986 there is unrestricted access to adoption information once the adopted child reaches the age of 20. With earlier adoptions the adopted adult or the birth parent can place a 10 year renewable veto on disclosure of adoption details.

⁹⁵*Ibid.*, 26.

If no veto is lodged information will be made available.⁹⁶

However, the viability of the law has been limited by its history of secrecy and deception. The 1985 Act is, in Robert Ludbrook's words, a ". . . piecemeal attempt by Parliament and the courts to adapt the law to meet present day needs. . . ."⁹⁷ Practically, too, the appropriateness of adoption legislation is questionable when the majority of adoptions are no longer stranger adoptions. Ludbrook has suggested that it is possible that stranger adoption will "gradually wither away as fewer children become available."⁹⁸ At the Adoption Conference 1990 in a seminar titled "Should Adoption be Abolished?", Ludbrook advocated the complete removal of adoption law because, as he stated, it was "flawed beyond reform". Ludbrook showed that in terms of the philosophy of law, adoption is wrong because it is destructive of the birth relationship and because the reality of the birth family is denied. He showed that the adoption process involves legal *non sequiturs*, but more importantly maintains and to some extent, justifies a lie.⁹⁹ From a legal perspective the logical consequence of adoption is *not* to tell children of the adoption,

⁹⁶Ludbrook, *Adoption: Guide to law and practice*, 36. Robert Ludbrook wrote *Death by adoption* with Joss Shawyer and in May 1990 gave a seminar on adoption titled "Should Adoption Be Abolished?".

⁹⁷*Ibid.*, 7.

⁹⁸*Ibid.*

⁹⁹For example, Maori children of adoptive parents are still Maori children but are legally the children of Pakeha parents. In law a single woman who adopts is deemed by adoption law to have given birth to that child in lawful wedlock. If a birth mother's mother adopts her child the result is a genealogical muddle. Finally step parent adoptions, mean that the child, in law, becomes the issue of two separate marriages.

for legally their birth parents do not exist. Ludbrook concludes that adoption is a legal absurdity and closed adoption its logical consequence.

Ludbrook attributes changes in adoption practice to a variety of factors:

A new openness in interpersonal relationships, the sexual revolution, the abolition of 'illegitimacy', a move away from proprietary attitudes towards children, improved status and financial support for single mothers--all of these have had an influence.¹⁰⁰

However, Ludbrook does not attempt an analysis of the marginalisation of women through adoption processes and law. Ludbrook cites the denial of the original family as the main reason for his proposal to abolish adoption. Yet I have to agree with his conclusion that adoption law is inappropriate. I also agree with Ludbrook's case for the abolition of adoption in favour of an alternative status for carers. Guardianship appears to be a valid alternative as it does not destroy the links with the family of origin, nor does it deny the existence of the 'first' mother.

The development of law in the area of women's reproductive capacity--of motherhood--operates on the assumption that children born in wedlock are the biological/genetic children of both parents. This is the case in adoption legislation and elsewhere in law when the custody of children is disputed.¹⁰¹ Adoption law denies that the birth mother ever gave birth and creates a situation where, in purely legal terms, the married

¹⁰⁰Ludbrook, *Adoption: A Guide to law and practice*, 35.

¹⁰¹Smart, *Feminism and the power of law*, 104-105.

couple had conceived the adopted child.¹⁰² Indeed, adoption strikes at the heart of motherhood.

Yet, as Kate Inglis points out, the bond of motherhood is seen as inviolable: "In our culture, where the women who bear children usually care for them, a mother who does not is an anomaly. Her status as a woman and mother is ambiguous."¹⁰³ Adoption breaks the bond between mother and child even though the maintenance of motherhood is an important part of family ideology in New Zealand ideology. For example, Inglis notes:

Debates over breasts versus bottles, feeding by demand or timetable, mothers working or not and, lately, mothers married or not, have all been part of the massive social interest in directing, controlling and examining the lives of women as mothers.¹⁰⁴

The apparent contradictions of the ideology of motherhood for birth mothers is explained when we understand how women are controlled as mothers. In a submission to the select committee hearing evidence on the Adult Adoption Information Bill in 1985, a birth mother wrote:

I couldn't see it at the time but I now realise I was being taught a new and important equation. It went like this:
 Keeping an illegitimate baby instead of allowing it to be adopted is putting a mother's needs ahead of the baby's;
 Good mothers always put the needs of their children ahead of their own;
 Therefore, mothers who don't allow their illegitimate babies to be adopted are not good mothers. Q.E.D.¹⁰⁵

Women can only be mothers in certain ways and the decision about

¹⁰²Iain Johnstone termed adoption a 'legal fiction'. Refer his article, "Is adoption outmoded?" *Otago Law Review* 6, no. 1 (1985): 15-49.

¹⁰³Inglis, *Living mistakes*, viii.

¹⁰⁴*Ibid.*

¹⁰⁵*The Press*, 14-2-85, 14.

who can be a mother is one that is not necessarily in the hands of women.

However, because the ideology of motherhood must be maintained, the contradiction that adoption presents for motherhood is kept quiet. Inglis points out a contradiction between what 'should be' and what is:

motherhood is contingent on social arrangements over which [women] have little control. . . . The contradiction of this situation for all women assumes a particularly sharp significance for the unmarried mother. Those who surrendered their children in face of difficulties they could not overcome, lived and still live the consequences of being most vulnerable. . . .¹⁰⁶

All women are part of a social system which involves the ". . . expectation that all girls be virtuous, all women be mothers and all mothers be wives."¹⁰⁷ Birth mothers challenged beliefs about motherhood and so found their motherhood was unsupported.

Marriage remained the only form of institutional support (until 1973) which legitimised and protected their mothering.¹⁰⁸

However, for birth mothers, marriage was not an option. The concept of marriage is crucial to the adoption process.¹⁰⁹

Although marriage is presented as the site in which women are permitted to be sexually active and to become mothers, ex-nuptial conception (if not birth) is the expectation for the majority of New Zealand women. As O'Neill states:

Nearly half of the women born in 1947 had ex-nuptially conceived a child to which they subsequently gave birth by

¹⁰⁶Inglis, *Living mistakes*, x.

¹⁰⁷*Ibid.*

¹⁰⁸*Ibid.*, xi.

¹⁰⁹The term 'unmarried mother' carries a host of implications.

the time they had reached age 24. A slight majority of those births occurred within marriage. For those women born in 1952, however, by the same age 45.6 per cent had conceived ex-nuptially and subsequently given birth. But whereas a female in the 1947 birth cohort was more likely to marry in response to her pregnancy, members of more recent cohorts have clearly elected not to marry. This social change in response to pregnancy is sufficient to account for the apparent rise in the ex-nuptial birth rate during the 1960s.¹¹⁰

Ex-nuptial conception is therefore the rule for New Zealand women and nuptial conception the exception. Perhaps the rhetoric about the desirability of marriage as the only proper site for the family has grown stronger as the reality of a variety of family forms has forced itself on the popular consciousness. However, the tendency towards serial monogamy shows that marriage is clearly a continuing, if changing, factor determining a woman's social and economic standing.

However, marriage is more than an economic haven for women, it is an institution which legitimates women as well as children. Adoption works to give both mother and child a 'second chance' at the benefits of a family legitimated by marriage. In the Adoption Act 1955 the distinction between ex-nuptial and nuptial birth is the pivotal point in the legitimation of the child and of the family. Thus adoption functions on a variety of levels. Kate Inglis describes the power of adoption in creating legitimate social parents:

As a child-support device, adoption has been characterised by laws which reflect unequal power relations, the centrality of marriage, legal and social disadvantages associated with illegitimacy, and a context of residualist welfare policy and administration. . . In our patrilineal society, where the status of a child is derived from the mother's relationship to the father, the fact of central importance, both socially and legally, is not that he is the

¹¹⁰O'Neill, "Fertility: Past, present, and future", 142.

progenitor, that is, biological father, but that he is the mother's husband. The strengthening legal status of children as separate entities from their parents has diluted the effects of this, but children once described as 'illegitimate' are now known as 'ex-nuptial', that is, born outside of marriage. Marriage remains the link between them and their fathers.¹¹¹

The categorisation of motherhood as married or unmarried, nuptial or ex-nuptial illustrates the centrality of marriage to motherhood and is an indication of motherhood's social rather than 'natural' character. As Inglis notes of birth mothers; "She was invisible as a pregnant woman and her motherhood was described as 'unmarried' to indicate it was not like the motherhood of other women."¹¹² Margaret, a birth mother, told me of her experiences during her pregnancy:

We'd put our wedding rings on, and we went off to the pub one day and had a beer and pretended we were married ladies--that was the thing--to pretend you were married. It was all just a farce. Everybody really knew that we weren't. But this was all just a big thing; you pretended you were married; you had your wedding ring on; you were "Mrs". That

¹¹¹Inglis, *Living mistakes*, 6.

¹¹²*Ibid.*, 9.

"Her invisibility as a particular and unique pregnant woman, as well as a category of mother to be socially provided for, became an integral part of adoption law and practice. Adoption would take care of her child; unfortunately, welfare agents were unable to offer very much in the way of help for that child's mother. However, they could offer new parents and, in line with the child centred law which directs that the paramount consideration was to be the welfare and interests of the child, they could arrange for these parents to be 'as if' the natural parents of the child. The child would become, in law and it is hoped, in practice, as if a child born of the marriage. For of course, there was a marriage. This marriage would legitimate the child of a woman not married, and the belief that marriage between parents was essential for the welfare of a child would be met. Again, the relationship of mothers to men as the basis for both economic support and legitimacy arises in relation to adoption. . . . Marriage for the adoptive mother is an essential precondition to her mothering and, it appears, the lack of it is the central and shared condition out of which the child she adopts is relinquished." *Ibid.*, 9-10.

sort of made it OK for everybody else to cope.¹¹³

Adoption decides who can be parents; this is part of its 'normalising' power. Marriage was the cut off point between women who would be allowed to be mothers and those women who would be denied their motherhood. What is at stake is the control of women's bodies and their lives. Smart has argued that law's concern "with the 'ownership' of the produce of women's bodies through laws on illegitimacy and inheritance . . . has also used women's bodies as a point of entry for social values and norms. . . ."¹¹⁴ Similarly, the appropriation of 'the produce of women's bodies' through adoption, and now with the ownership of gametes and fetuses, has reinforced specific norms relating to the nuclear family, women's sexuality and motherhood.

The evidence suggests that sexual behaviour patterns have changed little since the 1920s.¹¹⁵ The only major change is in more open attitudes towards long established behaviours which makes solo and unmarried parenthood more acceptable. As Swain in his article, "Marriage and Families," suggests: "The fall in nuptial births relative to ex-nuptial ones makes it seem that there is more 'immorality' than there was, but this is more apparent than real."¹¹⁶ The area between changing attitudes and

¹¹³'Margaret', Interview by the author, 16 March 1990, Christchurch, taped interview.

¹¹⁴Smart, *Feminism and the power of law*, 113.

¹¹⁵David A. Swain, "Marriages and families," chap. in *The population of New Zealand: Interdisciplinary perspectives*, eds R.J. Warwick Neville and O'Neill, 120-121.

¹¹⁶*Ibid.*

changing behaviour is difficult to chart. However, it is possible to state that contraceptive availability has been a factor that has contributed to New Zealand women's changing fertility patterns.

The 1955 Adoption Act controlled women through adoption by denying their motherhood. Birth mothers had failed to follow the path of normal womanhood and the ideal of femininity; so failing to arrive at a family by the proper use of their sexuality in marriage. By using their sexuality outside marriage they had challenged a social system which depended on the patriarchal nuclear family to maintain the patriarchal status quo. Unlike abortion, which revealed sex, adoption covered up birth mothers' misdemeanours. By becoming pregnant birth mothers were placed in an untenable position; motherhood, after marriage, was a reward for good behaviour within the patriarchal order and was fast becoming a right, for those who met the necessary criteria. Although her child was a valuable asset to the nation, the motherhood of a birth mother was not. Because she was not married a birth mother was unsupported by a husband and presented a dangerous alternative to the patriarchal family. Adoption, which claimed to rescue birth mothers, (and their children), in fact punished them for a crime against patriarchy which needed control of women in order maintain itself.

Changes in attitudes to adoption and birth mothers began to occur in the early seventies.¹¹⁷ Ironically, it is probably

¹¹⁷Changes also occurred in analyses of the family and the state. In 1977 Webster and Williams argued: "The law should not be coercive of norms of family life when, in fact, there is little evidence that the form of organisation of families is associated one way or the other with particular levels of

the adoption boom of the sixties and early seventies which contributed to the falling numbers of adoption orders in the seventies and eighties. Illegitimacy rates were raising and the supply of adoptable babies had outstripped demand. Social welfare could no longer promise a 'good home' for less adoptable children.¹¹⁸ By the time the Domestic Purposes Benefit was introduced in 1973 the number of adoption orders made had already begun to fall.

During the seventies pressure groups formed calling for adoption law reform. Notably, it was adopted people who spearheaded the calls for change. Jonathan Hunt took up their message and in 1985, after six long years, the Adult Adoption Act was passed into law. The Act was heralded as a piece of progressive legislation and was treated as a conscience vote in Parliament. Although it did not challenge the basic legal precepts of adoption law, it revealed sex in the same way that abortion does. It revealed birth mothers and adopted people by unlocking adoption records.

As can be expected the Adult Adoption Information Act is limited in its effects. It treats the symptoms of adoption-- secrecy--and at the moment that appears to be enough. The importance of adoption as an issue of control over women is perhaps lessening in direct proportion to the number of stranger

morality, reponsibility, or personal care and support." Webster and Williams, "Family and community: Social welfare cults," 98.

This argument could equally be used to oppose adoption on the grounds that it is "coercive of norms of family life".

¹¹⁸The 'less adoptable' included boys, Maori babies and babies with red hair.

adoptions. Step-parent adoptions, private adoptions and intercountry adoptions embody contemporary adoption law and practice. Adoption has a role to play too, in the new reproductive technologies which I discuss in Chapter VI.

CHAPTER VI

Continuing control over women:

The implications

The central idea of this chapter is that the changing historical context in which adoption has operated has involved power relations oppressive towards birth mothers. It is not so much that the basic philosophy of the law of adoption is flawed; as Ludbrook has stated, there has not been a consistent 'philosophy' of adoption since 1881. Rather, the balance of power has shifted, in favour of birth mothers. However, the notion that birth mothers have been controlled by the process of adoption remains true today. Adoption in New Zealand serves the interests of a white, capitalistic, patriarchy. As long as adoption exists as a form of caring which legally and permanently separates women from their children, adoption will perpetuate relations of control.

The changes which have occurred and which are occurring in adoption law and practice involve different forms of adoption. In the first part of the chapter I consider the implications for future adoption law in two areas; open adoptions and private adoptions. I then move on to deal with the issues involved in intercountry adoptions, focusing on the Romanian situation. Although intercountry adoption is not a new phenomenon, recent publicity focusing attention on Romania suggests that it is an area of continuing concern. The last part of the chapter is a comparative analysis of adoption and the new reproductive

technologies (NRT), and the role adoption plays in the control of women through surrogacy contracts.

Many of the issues which surround adoption are concerned with reproduction and the family; one effect of adoption has been to bolster the nuclear family. This has been achieved at the expense of birth mothers who sacrificed their children and often their own emotional and physical wellbeing to the ideal of the nuclear family. Adoption has functioned as a form of population ideology which disguises the social and reproductive control of women.

In recent years there has been a significant intensification of family ideology and at a political level a right wing backlash has occurred. In 1983 Anne Hercus spoke at the Women's Studies Association Conference about the changing structure of the New Zealand family. In her paper, she stated:

what [concerns] me is when social policy, and family policy in particular, is implicitly based on one particular definition of the Family--the one on the front of the cornflakes packet (the male breadwinner husband, the fulltime wife and mother and the 2 children)--as 'the norm,' or 'typical', when in fact it is quite clear the reality is that variation and diversity is the norm.¹

Family ideology is overstated and oversold as the solution to the inhumanity of competitive individualism. Children and families are sold to us on television.²

¹Ann Hercus, "The changing structure of the New Zealand family and implications for family policy," in *Papers of Women's Studies Association Conference*, Hilary Haines, ed., (Christchurch: Women's Studies Association New Zealand, 1983), 225.

²Phillida Bunkle speaking in a panel discussion on NRT, 1990 Adoption Conference, Wellington, 10-13 May 1990.

The adoptive family is not exempt from this consumerist trend. In her self published book, *Open Adoption*, Iwanek shows that adoption has always been a consumerist and materialistic

In 1987 the Department of Justice commissioned a review of the 1955 Adoption Act which generated a number of proposals for discussion.³ Open adoption was the subject of one section. Provisions for open adoptions have been much talked about and are commonly regarded as a positive alternative to the closed practice of past years. Experience has shown that the consequences of closed adoption are undesirable and current adoption practice reflects the lessons that have been learned. However, there are still no legal provisions for open adoptions. While the 1985 Adult Adoption Act made information about adoptions more accessible to adopted people and birth parents, legislatively the Act has done nothing to change the way in which adoption orders are made. The Review makes it clear that there is no guarantee for the birth parents, the adoptive parents or

process: "Adoption in Western society is a relatively new phenomenon and it is often associated with industrialisation, urbanisation and the breakup of the extended family. . . . Unless permanent *ownership* of the child is assured, many adults in our society are not willing to take a child into their family even though many children need temporary secure families to care for them. One must ask whether the values of capitalist society, with its emphasis on ownership, possessions and materialism, were responsible for the rigid exclusiveness of adoption laws, especially after the Second World War. . . . Benet states "The main influence of Anglo-Saxon adoption law stems from its intolerance of any kind of semi-adopted status. If adoption is to exist at all in a society where possession, ownership and materialism hold sway it must be made absolutely total and water-tight."

Mary Iwanek, *A study of open adoption placements*, (Petone: Mary Iwanek, 1987), 4-5. Cited in the text of the quote:

Philippe Aries, *Centuries of childhood*, (Great Britain: Penguin Books, 1960).

Mary Kathleen Benet, *The politics of adoption*, (New York: The Free Press, 1976).

³Review of Adoption Act 1955 by an Interdepartmental Working Party: *Proposals for discussion*, (Department of Justice, 1987).

the adopted person that contact will continue:

At present, the parties to an adoption may agree that the natural parents will maintain some contact with the child. This may mean exchanging photographs, school reports or other information, or a visit by the natural parents to the home of the adoptive family. Whether this takes place is a matter of practice. There is nothing in the Act dealing with this.⁴

Ludbrook would probably point out that the lack of legal provision for open adoptions is consistent with its legal philosophy; that is, open adoption contradicts the essentially 'closed' nature of New Zealand's adoption law. The *Review of Adoption Act 1955* points out that even if open adoption was legislated for, a written agreement would be very difficult to enforce. The concept of adoption as a once-and-for-all, complete break with original family members, is still deeply embedded in the public consciousness.⁵ Open adoption does not mean that a birth mother will not grieve for her child but it may soften the impact of her loss.

The majority of adoptions are still arranged through the Department of Social Welfare, which has contacts with unsupported pregnant women through maternity hospitals and through requests for benefits during pregnancy.⁶ However, adoptions are also arranged privately in New Zealand. There are two areas within private adoption; adoption through private agency and adoption by an individual or individuals. Robert Ludbrook outlines the role

⁴*Ibid.*, 39.

The precedent for legal provisions has already been set by countries overseas. *Review of Adoption Act 1955*, 39 7.3.3.

⁵Refer Appendix D for a copy of the draft of the proposed legislation.

⁶Robert Ludbrook, *Adoption: Guide to law and practice*, (New Zealand: GP Books, 1990), 14.

of private adoption agencies:

In earlier years a number of private agencies offered accommodation for unmarried mothers and helped them to find suitable adoptive parents for their child. These agencies usually had their own lists of adoptive parents. With changing social conditions most of these homes for single mothers and babies have been in the forefront of reform in adoption practice. Bethany continues to keep separate lists of people seeking to adopt but Social Welfare preliminary approval is a prerequisite to inclusion on their list. The few remaining private agencies operate in the same way.⁷

In privately arranged adoptions prospective adopting parents deal directly with the birth parent(s). I spoke to Raewyn Idoine-

Dunne, a Christchurch woman who adopted privately in 1988.

Raewyn and her husband drafted a letter which they sent to a number of GPs:

. . . it was a marketing exercise for me. Apart from anything else it was the first time in about five years that I felt that I was back in control of my own life. That here was something positive that I could do about . . . our situation. . . . what we did was we actually purchased the medical mailing list, four and a half thousand GPs . . . and we decided that what we would do was to send a hundred letters out just at random throughout the country to different GPs every month until we got a reply.⁸

Five days later they received a phone call from a doctor in the North Island who had a child for adoption. It was that easy. In 1988 private adoptions comprised 28 per cent of the total adoptions, a percentage which is increasing. In 1985 the Department of Social Welfare expressed concern at the growing number of private adoptions. Robert Ludbrook explains the procedure for private adopters in his book *Adoption: Guide to law and practice*:

Private adopters do not have to gain preliminary approval from the Department (although they can seek such approval)

⁷*Ibid.*, 15.

⁸'Clare', Interview by the author, Christchurch, 22-03-90.

but the Department will be asked to report to the Court on their application and Departmental approval must be obtained if the child is to be taken into the home of private adopters.⁹

The advantage for a birth mother in a private adoption is that she has personal contact with the adopting parents without having to go through the Department of Social Welfare.

What is clear from the statistics is that increasingly those who do want to adopt and who have the resources to do so will adopt privately.¹⁰ That this has happened has been confirmed by local statistics; in 1987 slightly over a third of the 31 babies adopted in Christchurch were adopted privately and of those "seven of New Zealand's 10 private baby adoptions by professional people last year were in Christchurch."¹¹ Christchurch also had the greatest number of private adoptions in 1987. *The Press* reported:

Among theories as to why Christchurch has higher-than-average private adoptions are criticisms of the department's lack of adoption staff, the shortage of babies available for adoption, the department's closing the waiting list for adoptive parents until recently, and more Christchurch doctors seemingly being interested in private adoptions.¹²

However, women who choose to adopt their children privately may be subject to greater pressures than those who go through the Social Welfare Department. In an article in the Auckland Sunday Star, Gayle Tozer, senior social worker at National Women's

⁹Ludbrook, *Adoption: Guide to law and practice*, 15.

¹⁰Birth mothers will be without any protection that the Department can offer. The Department does act as a buffer between birth mothers and undue pressure from "over-zealous" adopters. *Ibid.*, 15.

¹¹Sue Lancaster, "Christchurch has most private adoptions," *The Press*, 18-05-88, 8.

¹²*Ibid.*

Hospital stated:

A young woman in this situation can be intensely vulnerable. . . . Many have a view of their doctor as somebody who is trustworthy and good to them and here they are providing them with a solution. They are also perceived as quite a powerful or authoritative person. There is a considerable pressure to accept what is being arranged.¹³

It appears, too, that in private adoptions there is a greater risk of the 'commoditisation' of women's reproductive capacity.¹⁴

As the number of babies available for adoption continues to drop attention has turned overseas. The most recent series of intercountry adoptions have involved Romania. Intercountry adoption adds another dimension to the already complex web of issues surrounding adoption in New Zealand and are a controversial area, as Ludbrook states,

Adopters sometimes pay large sums of money to lawyers or adoption brokers in return for a child. There has been a succession of scandals and stories of baby-snatching, child supermarkets and racketeering.¹⁵

Some of these adoptions may be genuine but at the same time there are accounts of baby-snatching and children being sold by unscrupulous operators. There are for example, "documented cases of parents being offered money to hand over their child for adoption overseas."¹⁶

The Romanian revolution in December of 1989 provided prospective adopting parents with a new source of adoptable

¹³ *Auckland Sunday Star*, 13-05-90, A10.

¹⁴ While money may not change hands, travel and accommodation expenses are often paid for by prospective adopting parents in private adoptions.

¹⁵ Ludbrook, *Adoption: Guide to law and practice*, 41.

¹⁶ *Ibid.*, 41.

babies.¹⁷ Under Ceausescu's regime abortions were prohibited, and women were inspected regularly to ensure that they did not practice birth control until they had given birth to at least four children.¹⁸ (If they did not fulfil their 'quota' they were sent to infertility clinics). The result of Ceausescu's policies was high infant and maternal mortality and the institutionalisation of large numbers of children.¹⁹ Mr Damien Ngabonziza, secretary-general of the Geneva-based International Social Service, spoke to The Press in May 1990. He stated that the stories of thousands of 'abandoned' children in Romania were often inaccurate. Ngabonziza argued that it was "essential to establish whether 'abandoned' children in any country are free

¹⁷From December 15 demonstrations increased in magnitude. "The immediate trigger for unrest which culminated in the revolution was the deportation order served on December 15 on Fr Laszlo Tokes, a Protestant pastor who had persistently criticized the government's treatment of his fellow ethnic Hungarians in Romania."

Keesings Record of World Events, 37104.

The focus of the demonstrations was the 'systemization' policy of Ceausescu's government in which small rural settlements would be replaced by town like agro-industrial complexes.

With the overthrow of Nicolae Ceausescu's government on December 26 the Previous regime's laws concerning abortion and contraception were scrapped.

Keesings Record of World Events, 37105.

¹⁸In February of 1990 it was revealed by Rompres, the Romanian Press Agency, that Romania's death rate had risen since 1965 (the year Ceausescu became President) to 11 per 1000 in 1988. The infant and child mortality rates had risen 36 per cent during the period 1964 to 1988. "Under Ceausescu, accurate statistics on birth and death rates, and on perinatal, infant and maternal mortality were suppressed, contraception and abortion were outlawed, and Romania was declared AIDS free."

Keesings Record of World Events, 37253.

¹⁹Since the revolution Romania has classified 14,000 children as 'abandoned' and thousands more are said to be in orphanages.

New York Times Index, 1990. F9 5 (September) F9 11:1

for adoption or whether they were being relinquished for economic reasons."²⁰ However, in the aftermath of the revolution, it has been the plight of the so-called 'abandoned' children which has drawn not only significant media attention but the attention of prospective adopting parents.

These people offer love and a secure home to a Romanian child. However, what they propose does not solve the problems which produced the vast numbers of 'abandoned' children. Theirs is a response prompted by media images, not by an understanding of Romania's problems. It is easy to see the poverty and hopelessness of many of these children. What is more difficult to see is the exploitation of women in Romania; the enforced production of children in a state which denied women legal access to contraception and abortion. The effects of poverty in Romania included parents who were unable, not unwilling, to care for their children. The Romanian revolution suddenly revealed the conditions, not of the women, but of the children to the rest of the world. The reality of Romanian women's lives under Ceausescu is the silent backdrop to television pictures.²¹ Intercountry adoption is not the answer in a situation which does not only involve 'unwanted children':

²⁰The Press, 10-05-90, 6.

²¹In 1985 Elena Chiriac described the state of sexual equality in Romania: "According to law, a Romanian woman has the same rights as a man. . . . she has the additional "right" (and duty) to bring four children into the world before she is forty years old. Abortions have been, in effect, illegal since 1966. . . ."

Elena Chiriac, "Rumania: The 'right' to be persecuted," chap. in Robin Morgan, *Sisterhood is global: The international women's movement anthology*, (Garden City, New York: Anchor Books, 1984), 580.

For the most part international adoption has been the exploitation of birth mothers coerced into relinquishing their children. They were not abandoned--they were relinquished.²²

Romanian birth mothers are absent from the picture of needy children and generous (married) couples. In 1985 Renate Duelli Klein wrote:

in Rumania. . . , it is impossible to get any contraceptives. Because the government wants more children, women are coerced into bearing children: childless couples have to pay extra taxes, divorce is made very difficult and abortion, which has been illegal since 1966 for women under 42 and with less than four children, is now punished with up to ten years in goal [sic], despite terrible economic conditions.²³

Romania had neither the food nor the family support facilities to sustain the increasing rate of population growth. Adequate birth control and abortion were unavailable to Romanian women under Ceausescu, limiting their reproductive freedom.

Anna Coffey, an adopted woman and adoption professional, has argued that intercountry adoption should be regarded only as a last resort. However, she also points out that the "entrepreneurs, perhaps realising a potential for greater profit when the merchandise had a Caucasian appearance, [have] promoted adoptions as the first solution."²⁴ This, even though International Social Services, the Red Cross and the new Romanian regime itself, have objected to adoption as an 'aid programme'.

²²"Adoptee hits at 'industry'," *The Press*, 12-05-90. Ms Anne Mi Ok Bruining, an adopted Korean woman, who also spoke at the 1990 Adoption Conference.

²³Renate Duelli Klein, "What's 'new' about the 'new' reproductive technologies?", chap. in Gena Corea, *Man-made women*, 68. See also Robin Morgan, *Sisterhood is global*.

²⁴Oliver Riddell, "Adoption 'not the best way' to help Romanian children," *The Press*, 12-07-90, 43.

The adoption of Romanian children targets aid "away from the sponsored initiatives to reunite children with their families."²⁵ Adoption also favours the fittest, rather than the least fit, of Romanian children. Coffey has argued that the claim that New Zealand offered the best possible educational and health opportunities for Romanian children is "highly dubious" given the data in comparative international statistics. Coffey links this claim to an adoption myth "that adopters were always super-parents, and that children were lucky to [be] adopted."²⁶ Thus, intercountry adoption can be regarded as a form of cultural imperialism, based upon the 'superiority' of New Zealand as a child care environment.²⁷

In New Zealand, if recent trends are anything to go by the relevance of adoption appears to be decreasing. The Review suggested that adoption by relatives and by a parent and step-

²⁵*Ibid.*, 43.

²⁶Oliver Riddell, "Adoption 'not the best way' to help Romanian children," *The Press*, 12-07-90, 43.

²⁷From *The Fontana dictionary of modern thought*, Alan Bullock, Oliver Stallybrass and Stephen Trombley, eds., 2nd ed., (London: Fontana Press, 1988).

"Cultural Imperialism may be defined as the use of political and economic power to exalt and spread the values and habits of a foreign culture at the expense of a native culture." The Head of the Department of Social Work at the University of Canterbury, Dr Dugal McDonald, opposes intercountry adoption on the grounds that it is a form of genocide: "'It happened for years that many part-Maori children during the baby boom years were being adopted to anyone wanting them, and many of these were overseas couples with no intention of remaining in New Zealand. . . The Maori people had not been consulted on the adoption because they did not meet the various means or income tests. . . It's another form of genocide, where we stole their children. What form of genocide would we be acting on if we take the children of other countries?'" Sarona Iosefa, "Overseas adoptions a 'of genocide'," *The Press*, 08-03-90, 23.

parents be prohibited and that an alternative status for the relatives and/or proposed carers and the child needed to be established. The Review proposed the Guardianship Act 1968 as an "appropriate alternative":

A guardianship order would protect the relationship between child and caregiver by giving the caregiver rights to custody of the child and over the upbringing of the child. Unlike an adoption order, a guardianship order would not affect the relationship between the child and his or her natural parents. It would not distort the child's relationships with other members of his or her natural family. For these reasons, we favour much wider use of guardianship orders where adoption is not really necessary in order to secure a proper home for the child.²⁸

It is difficult to see why only adoption by relatives and by a parent and step-parent should be transferred to the new status of guardianship. Stranger adoptions would also benefit from this alternative status for the additional reason that guardianship does not imply a permanent and absolute severance from the original family in the way that adoption still does.²⁹

Adoption may be a case in point but it is not an isolated example of the reproductive control of women. New forms of control are created even as rights for women are conceded; the "new" reproductive technologies are new only in the way they compartmentalise women's bodies as 'walking wombs'. What has continued is the abuse and exploitation of women as objects according to the requirements of a group or groups in power.³⁰

²⁸Review of Adoption Act 1955, 41.

²⁹Legislatively, despite the 1985 Adult Adoption Information Act, adoption continues to work on the principle of a closed system.

³⁰Patricia Spallone and Deborah Lynn Steinberg, eds., *Made to Order: The Myth of Reproductive and Genetic Progress*, (Oxford: Pergamon Press, 1987), 10.

Where adoption is based on the disciplines of social work and law, the NRT are based on the expanding power of medicine and technology. Thus it is often difficult to relate the two, as adoption's context is welfare oriented (where the socio-psychological implications are regarded as a major factor) and NRT have a medical context. NRT are regarded as 'respectable' because of the professionals involved rather than because it is in the welfare of children or parents.

In the area of NRT the primary concern of counselling is to obtain informed consent to the process and not to reduce infertility through preventative health care programmes. The NRT, and adoption, are both forms of population control:

"Technodocs" assert that the technologies arose solely out of a desire to provide women with children. But we know that while they enthusiastically develop the technologies, they make no serious attempt to understand infertility and to prevent it by providing relevant health services.³¹

The NRT fall into four main groups; fertility control, the 'management' of labour and childbirth, improvement of the health and the genetic characteristics of fetuses and of newborns, and finally the conceptive technologies.³² The distinction between 'old' and 'new' technologies is more than a little confusing.³³ The old technologies appear to be those

³¹*Ibid.*, 1.

³²Michelle Stanworth, "Introduction," chap. in *Reproductive technologies: Gender, motherhood and medicine*, (Minneapolis: University of Minnesota Press, 1987), 10-11.

³³From Peter Skegg's *Law, Ethics, and Medicine: Studies in Medical Law*.

Artificial insemination by donor (AID) has a 200 year old history and is not necessarily 'new', in fact surrogacy has a 2000 year old history. Surrogacy is not a case in isolation but has points in common with adoption and the role that money plays in adoption. Currently in surrogacy records are not kept and the

which include mechanical and hormonal contraception, female and male sterilisation, abortion and mechanical interferences at birth such as episiotomies and Caesarian sections.³⁴

'New' reproductive technologies encompass pre-conception sex selection and post conception sex determination techniques, artificial insemination, and the full gamut of 'test-tube' techniques: *in vitro* fertilization (e.g. the fertilization of an egg cell with sperm in a glass dish in the lab), embryo replacement, transfer and 'flushing', embryo freezing, and--yet to come--cloning and the artificial placenta: the 'glass womb'. They also comprise the increasing number of antenatal tests during 'normal' pregnancy such as amniocentesis, the alpha-foeto protein test, foetal monitoring by foetoscopy and sonogram/ultrasound, and at birth (e.g. epidural anaesthesia which 'knocks out' a birthing woman from the waist down).³⁵

What is important here is to recognise that all these technologies, whether old or new, are not controlled by women. Indeed, it is the relations of power rather than the reproductive 'technologies' themselves which have made women subject to patriarchal control. AI (Artificial Insemination), which is usually listed as a NRT is strictly speaking a 'low' technology.

As Renate Duelli Klein states:

Especially in the practice of self-insemination where a woman herself inserts the sperm (from an unknown donor or a friend) with a syringe into her vagina, no further technological interference takes place In fact, the woman is in control of the technology. This is different in the case where official sperm banks act as intermediaries

child not informed. Although gametes are not the same as a child there are similarities in the situation. For example, prior to 1987 the state had been involved in misinformation when in fact the biological father's name was not on the Birth Certificate, the social father was.

Peter Skegg, speaking in a panel discussion, 1990 Adoption Conference, Wellington, 10-13 May 1990.

³⁴Klein, "What's 'new' about the 'new' reproductive technologies?", chap. in *Theories of Women's Studies*, eds. Gloria Bowles and Renate Duelli Klein, (London: Routledge and Kegan Paul, 1983), 64.

³⁵*Ibid.*, 64-65.

and screen both the sperm donor and the female customer, but even so, the actual act of depositing the sperm remains equally 'low tech'.³⁶

Yet this has been appropriated by the medical institution as a NRT. Obviously, these 'new' technologies are not in women's hands.

There are numerous similarities between NRT and stranger adoptions.³⁷ In NRT, as in adoption, one or both of the parents are not genetically related to the child. Only a minimum of the circumstances of the birth of the child are known in NRT, as with traditional closed adoptions. With the NRT there is an assumption that the children and the biological parents will not want to know each other; the techno-medico language also helps to disguise the power relations that are involved. There is implicit and explicit coercion of surrogate mothers; like birth mothers, surrogate mothers experience regret and pain at the loss of a child through contract parenting:³⁸

The surrogate may also suffer from postpartum depression, a common experience among birthing women in this culture, and from any additional anguish involved in giving up a child which is in every way her child, conceived with her egg, carried in her womb, and birthed through her labour.³⁹

Surrogacy relies on adoption to redefine the relationship of the

³⁶*Ibid.*, f.2 71.

³⁷There are, of course, significant differences between adoption and NRT. Most important is the increasing medicalisation of women's bodies by NRT which does not occur in adoption.

³⁸Margaret Van Keppel, "The new reproductive technologies," Paper presented at the Adoption Conference, Wellington, 10-13 May 1990.

³⁹Gena Corea, *The mother machine: Reproductive technologies from artificial insemination to artificial wombs*, (London: The Women's Press, 1988), 243.

surrogate and the adoptive mother to the child.⁴⁰ In surrogacy, as in adoption, the state makes an investment in the patriarchal nuclear family. In *The mother machine* Gena Corea noted that the Warnock Committee, recommended that, "'as a general rule it is better for children to be born into a two-parent family, with both father and mother. . .'"⁴¹ Corea argues that "infertility is not recognised as a 'disease' then, when it affects lesbian or single women--that is, women not controlled within patriarchal families."⁴² Although New Zealand has yet to hold a committee examining NRT, in 1985 the Law Reform Division of the Department of Justice produced an Issues Paper, *New Birth Technologies: An Issues Paper on AID, IVF, and Surrogate Motherhood*.⁴³ For each of these NRT the paper provided a definition, an overview, a summary of New Zealand's position and a summary of issues for each topic. Surrogacy, of all the NRT, provides the closest analogy to adoption. A definition of surrogacy given in the *Issues Paper* follows:

The surrogate mother is, traditionally, a woman who enters into an arrangement with a couple to bear a child by the husband and to give up the child on birth to be raised by

⁴⁰It is interesting that in cases of IVF the social father does not have to adopt the child his wife bears. Apparently marriage is still the most important factor in determining the status of a child.

⁴¹Corea, *The mother machine*, 321.

⁴²*Ibid.*

⁴³The title is misleading for two reasons. First, these are not new technologies involving birth, rather they are technologies, which predate birth. Second, these technologies are not necessarily new. That this field is problematic in the extreme is immediately apparent. *New birth technologies: An Issues Paper on AID, IVF, and surrogate motherhood*, (Law Reform Division, Department of Justice, March 1985).

the couple as their own.⁴⁴

Parallels are drawn with adoption by the *Issues Paper* and arguments for surrogacy rely on adoption's reputation as a respectable and socially accepted practice. They focus on the child, rather than the birth/surrogate mother. The following is an excerpt from *Issues Paper* mentioned above:

The fact that the mother plans to give away the child should not affect the child of a surrogate any more than it affects the child of a woman who plans to have her baby adopted. If there are bonding problems with surrogacy--and that is only a matter for speculation--they must already exist in some instances of adoption.⁴⁵

It appears that adoption has a role to play in the control of women through the NRT.

Controversy surrounding the NRT have prompted many governments to authorise investigations into the application of these new technologies. However, "these government-sponsored inquiries are crucial events, for the State has a stake in the technologies and the power to authorize their use."⁴⁶ There are no safeguards for the way in which law will be used once it has been passed. This may also occur with the NRT.

⁴⁴*Ibid.*, 53.

"With IVF the possibilities for surrogacy have broadened: "The wife of the couple may provide the egg, to be used with the husband's sperm. Alternatively the sperm of a donor may be used with the wife's egg. Neither the wife nor the surrogate may provide the egg; a different donor altogether may do so, and the donor's egg may be fertilised by the husband's sperm or the sperm of a donor. In view of the new possibilities, the essence of surrogacy may be said to be that, by arrangement, the womb of a woman is used to carry a child who is intended to be raised by a different woman and her husband."
Ibid.

⁴⁵*Ibid.*, 55.

⁴⁶Spallone et al., *Made to order*, 166.

The parallels between adoption and the NRT are clear.

Some view the NRT as a backward step for women, as committees are formed to produce "coherent law" for a variety of reproductive possibilities.⁴⁷ Carol Smart comments on these committees:

Not only does this mean that their task is an ethical and political minefield but it means the imposition of a rigid grid upon reproduction. This grid may be more or less liberal in its orientation, but it shows every sign of being more committed to the maintenance of the patriarchal 'natural' family than recent legislation in areas such as illegitimacy, adoption and divorce. . . .⁴⁸

Bridging work needs to be done between principles already established in adoption and as yet nebulous policy relating to NRT.

In *Made to order*, Michelle Spallone examines state involvement in the NRT:

My conclusion is that the concern of the State and scientists is with exploitation of technology for their own distinct interests--interests at odds with women's integrity. The State has signalled its approval of the use of women's reproductive bodies in the interests of the patriarchal nuclear family and scientific progress.⁴⁹

Spallone and Steinberg also believe that the Warnock Committee

⁴⁷For example the Warnock Committee. Refer Mary Warnock, *A question of life: The Warnock Report on Human Fertilisation and Embryology*, (Oxford: Basil Blackwell, 1984).

⁴⁸Further, "For example, the Warnock Committee recommends that infertility services should not be available to single women. Yet single women may adopt children," Carol Smart, *Feminism and the power of law*, (London and New York: Routledge, 1989), 105.

The Warnock Report was cited by the Issues Paper released by the Department of Justice in 1985. On the availability of AID services: "The programmes run at the National Women's Hospital and the Wellington Clinical School offer AID only to legally married couples. In Christchurch and Dunedin couples in stable de facto relationships may be accepted." *New birth technologies: An Issues Paper on AID, IVF, and surrogate motherhood*, 1.16 13.

⁴⁹Spallone et al., *Made to order*, 167.

findings and other similar government reports are examples of a collusion between the state and medical science in order to intervene in population control:

The reports show concern with resolving the tension between ideology and technology. Their two guiding principles are the protection of the family as a fundamental unit of society and the imperative to seek knowledge.⁵⁰

In the state's categorisation of the family motherhood plays a crucial role. As Spallone notes, we "live in a society which in defining a 'fit mother' excludes women who are single, lesbian, disabled, and older."⁵¹ Reproductive technology extends the category of the "fit mother" to include the "fit reproducer".⁵² As Eleanor Trawick stated in "Teenage Repression and Reproductive Rights":

In practice, one group is being oppressed in the name and for the sake of a second group--a second group, ironically enough, which is also oppressed, although in different ways.⁵³

Although Trawick refers to the American "Save our Children" campaign against gay and lesbian teachers, her conceptual framework works equally well for the conflict created between the 'rights' of adopted people and birth parents. As in adoption the conflict of interests between women and embryos, or women and children, are false. They are created in the first instance by law and the state's interest in controlling women, and in the

⁵⁰Spallone *et al.*, *Made to order*, 181.

⁵¹*Ibid.*, 8.

⁵²*Ibid.*, 9.

⁵³Eleanor Trawick, "Teenage oppression and reproductive rights," chap. in *Test-tube women: What future for motherhood?*, eds, Rita Arditti, Renate Duelli Klein and Shelley Minden, (London: Pandora Press, 1984), 135.

second instance by technology, rather than in women's interests, or from women's experience.⁵⁴ Women are reduced to the status of a vessel for the fetus and "increasingly, it is the contents of the container that matter, not the container herself."⁵⁵

In adoption birth mothers were also surrogates.⁵⁶ Arguments against surrogacy presented by government committees such as the Warnock Committee all focus on the meaning of motherhood and women's sexuality, not on the exploitation of women. They present surrogacy as a threat to marriage, the mother/child relationship, and to the 'right' way to approach a pregnancy:

Choosing to give up the child she bears challenges the notion of the biological mother-child bond, the "natural mother-child relationship which keeps womanhood in a strict place. The "carrying" mother cannot be given a respectable place outside motherhood Surrogacy, another kind of motherhood, interferes most obviously with the concept of exclusivity within marriage. . . . A pregnant woman is more difficult to cover up. She advertises that the nature of motherhood and kinship, the very foundation of the family, is more complex and contradictory than traditional thinking allows.⁵⁷

However, surrogacy has not provoked the same intense reaction that other technologies such as artificial insemination has evoked. As Corea states, while

AID had weakened men's claim to paternity; surrogate

⁵⁴Spallone *et al.*, *Made to order*, 182.

In IVF "practitioners and the state set themselves up as the protectors of the interests of the embryo, even as they use embryos for research and population-designing purposes." *Ibid.*, 181.

⁵⁵Corea, *The mother machine*, 299.

⁵⁶The main difference is that birth mothers did not intend to get pregnant and that the biological father of the child did not usually adopt her/him.

⁵⁷Spallone *et al.*, *Made to order*, 175.

motherhood strengthens it. The practice does not endanger the patriarchal family and is not judged to be 'socially monstrous.'⁵⁸

The sense of the word 'mother' for these women--as it is for women who surrendered children to adoption--is limited, they were 'birth' mothers only. Under the NRT a woman can be reduced to 'surrogate womb'; in surrogacy the dissection of motherhood is taken to new lengths. What the 1985 Adult Adoption Act did, although retrospectively, was to raise some of the issues about birth mothers (although they were presented as secondary to adopted people) which are now also being raised by the NRT.

Michelle Stanworth notes:

Newer technologies are controversial. . . because they crystallize issues at the heart of contemporary social and political struggles over sexuality, reproduction, gender relations and the family. . .⁵⁹

The NRT reinforce a picture of women as reproductive objects who will quickly forget that they ever gave birth at all. This applies to women both as surrogate mothers and as birth mothers.⁶⁰

In New Zealand surrogacy is not part of the IVF programme and surrogate motherhood agencies do not operate here.⁶¹

However, there is evidence to suggest that private surrogacy arrangements have been made. Here, the influence of adoption law

⁵⁸Corea, *The mother machine*, 245.

⁵⁹Michelle Stanworth, "Introduction," 4.

⁶⁰The needs of the infertile are also being exploited by the market oriented approach of the NRT. Refer Belinda Trainor, "Having or not having babies--What power do women have?" *New Zealand Women's Studies Journal* 3, no. 2 (March 1988): 44-72.

⁶¹*New Birth Technologies: An Issues Paper on AID, IVF, and Surrogate Motherhood*, 54.

is felt:

The Adoption Act 1955 makes it unlawful for any person to give or to receive any payment in consideration of the adoption of a child. It is also unlawful to publish any advertisement indicating that any person wishes to adopt a child or is willing to make arrangements for the adoption of a child. It would therefore be an offence to enter a surrogacy agreement providing for the mother to be paid in return for handing over the child for adoption, or to advertise for a surrogate in such a way as to involve adoption.⁶²

Surrogacy is not performed on any organised kind of basis in New Zealand. Feminist principles such as the belief that a woman has a right to control her own body, and a commitment as feminists to combat objectification--as reproductive objects--and the assertion that the personal is political, are all principles which intersect with the debates about NRT.⁶³

However, the 'rights' discourse, as in the right for a woman to choose an abortion is complicated by the surrogacy contracts.

The 'right' to become a surrogate mother or to become a commissioning parent contravenes the principle of control. Pat Rosier points out that birth contracts:

may stipulate, for instance, that the birth mother must not drink alcohol or smoke, must eat certain foods, must have medical exams at specified intervals, must undergo amniocentesis. In some cases they stipulate that, depending on the results of prenatal testing, the birth mother must be willing to abort the foetus.⁶⁴

The compartmentalisation of the maternal role occurs both in adoption and in surrogacy. These are new ways of defining motherhood and women are new ways of controlling women's bodies and lives. By obscuring the impact of reproductive engineering

⁶²*Ibid.*, 55.

⁶³Pat Rosier, "Who is my mother?", 24.

⁶⁴*Ibid.*

on women as a class, the technodocs emphasize the 'rights' of individual women to use these technologies.⁶⁵ The interests of women and science are clearly divergent. In an interview with Gena Corea a 'pioneer' in the NRT stated:

We will control, not just biological functions on earth, but we will expand in space and time to control the universe. Putting a man on the moon is nothing. We are going to colonize the universe.⁶⁶

The relationship between adoption and NRT is not as simple as history repeating itself; the NRT are not simply replacing adoption as a solution to infertility. The NRT recreate the legal fiction of adoption, while introducing new elements that women have to learn to deal with. Both adoption and NRT serve the interests of patriarchy through their defence of a particular family form; the nuclear family.

As a feminist my first concern has been to make the experience of birth mothers, unseen and unheard, a visible part of the process of adoption and of wider social experiences in the thirty years from 1955 until 1985. Adoption does not merely involve the control of women's reproduction. Adoption revolves on many, though related, axes, such as motherhood, sexuality, the meaning of the family and reproduction. Birth mothers are women who gave up a child because they thought it was best for their child's future, they were left with little alternative. From 1955-1985 the validity of these women's experiences has relied on changing social, political and economic conditions. The purpose

Concl
↓

⁶⁵Corea, *The mother machine*, 313.

⁶⁶*Ibid.*, 311.

of this thesis has been to provide an analysis of what happened to them and to help make their voices heard.

The period from 1955-1985--the era of closed adoptions--has encompassed various changes which have affected women. Some of the most important changes have been in attitudes towards women.⁶⁷ The *Adult Adoption Information Act, 1985* may have opened records for adult adoptees and birth parents, but it has done nothing to alter the way in which adoption orders are made. Now the 'honeymoon' with the *Adult Adoption Information Act* is over, perhaps attention will turn to the root of the problem rather than its effect, adoption secrecy. Although open adoptions are more common, legislation protecting open adoption arrangements has yet to be passed. Open adoptions aside, today the majority of adoptions are step-parent adoptions and the continuing relevance of adoption law for the small numbers of stranger adoptions is questionable.⁶⁸ The implications for future adoption practices are far reaching. The issues adoption involve--particularly of the reproductive control of women--do not end with adoption reforms. At the same time as open adoptions are encouraged the numbers of private adoptions are rising, about which little is known. Doubts have been expressed about the power relations between a young, pregnant woman and the often well-to-do couple who arrange an adoption privately.

⁶⁷However, it may be that the numbers of stranger adoptions will increase again, as a result of suggested changes to government policy.

⁶⁸Step-parent adoptions occur in cases where the new husband or wife wishes to make themselves father or mother to the children of their new spouse. They also has the side effect of saying that those children were born in wedlock to that couple as if the biological parent of the children had never existed.

A second alternative to the Department of Social Welfare waiting lists are overseas adoptions. The countries children are adopted from are usually less developed countries such as Vietnam, Korea, Brazil, Columbia and Peru. Romania has figured most recently in the drive to adopt internationally. Inter-country adoption not only reduces the birth mother to a nameless, faceless entity, but it should be regarded as a form of cultural imperialism. It is ironic that the solution to women's enforced reproduction under Ceausescu--a crude form of population control--should see Romanian children exported to other, richer, countries.

Themes of control of women through their reproductive processes (and in a different sense through population control), both socially and legislatively, underlie my approach to the topic. The commoditisation of children underlies much adoption law and practice; private and inter-country adoption all illustrate this tendency. Adoption also reaches into the technological future. The NRT often rely on adoption to legitimate relationships, as in surrogacy⁶⁹ and artificial insemination (AI).⁷⁰ A surrogate mother is not expected to form an attachment to the child she has given birth to, nor is she expected to grieve for her child once given up, as in traditional closed adoption. The power relations inherent in adoption, surrogacy, and other NRT make these processes exploitative of women. Each symbolise extensions of control over women through

⁶⁹Surrogacy is not carried out in New Zealand by agencies, although private surrogacy arrangements have been made.

⁷⁰The new birth technologies can be seen as an extension of legal (and medical) control over women.

the control of their reproductive lives.

It is ironic that each piece of adoption legislation has been seen as liberal, that is, each paid deference to the humanistic principle of equal rights. Adoption has been regarded as the best option for birth mothers, adopted people and adoptive parents. Historically, adoption legislation also rests on the concept that everyone has equal access to the goods and services that society has to offer. However, not everyone in New Zealand is equal. Being young, unmarried and pregnant severely restricts assumed rights and choices. Until the early seventies the 'choice' to adopt out a child was in reality no choice at all. With the introduction of the Domestic Purposes Benefit, the choices today for young unmarried mothers have been extended with a corresponding fall in adoption rates. However, Jenny Shipley's proposal at the 1990 Adoption Conference that the Domestic Purposes Benefit should be cut to those under 18 suggest that adoption rates may again increase.

There are many issues which feed into adoption policy, legislation and practice. The issues which have been most commonly examined involve the adopted person, adoptive parents, and the adoptive relationship; the rights of the adopted person and the infertility of the adopting parents. The vast majority of works on adoption operate from a liberal/humanist and patriarchal position. As a feminist my analysis of adoption in New Zealand society has involved a reinterpretation of the place of birth mothers in adoption and in New Zealand society. But first it has been necessary to make their predominantly invisible experiences visible. Through interviews it has been possible to

rercreate birth mothers' experiences and to reclaim their history as birth mothers, to acknowledge that they gave birth and that their experiences are real and valid. Their experiences of patriarchy are shared by women everywhere. Birth mothers have joined in the continuing struggle for the control of their reproductive lives, in marriage and the family; in private and in intercountry adoption and in the new reproductive technologies. Adoption continues to play a significant part in the continuing, often silent, history of women's lives.

APPENDIX A¹

"Adoption researcher seeks mothers' side."

A Christchurch student who made contact with her birth family for the first time a year ago is now researching a thesis on adoption.

Gillian Palmer is completing a Master of Arts in history at the University of Canterbury. She chose adoption as her thesis topic because of her own experiences.

Her birth father, brother and maternal grandmother were all happy to meet her after she contacted them.

A letter to her birth mother did not have such a successful outcome. Although the woman passed the letter on to her own mother, she said she was unable to have further contact with her daughter yet because of the circumstances surrounding the adoption.

Ms Palmer said the adoption process affected more people than was commonly assumed. More than 100,000 New Zealanders were directly involved as adoptive children, adoptive parents and birth parents.

"This does not include adoptive grandparents, birth grandparents and possible half-brothers and sisters," she said.

"Issues of motherhood have become increasingly problematic in New Zealand since World War II."

The period covered by Ms Palmer's thesis is World War II to 1985.

She said adoption policies and practices had followed a varied path since New Zealand's first adoption legislation was passed in 1881. The topic was the focus of interest in 1955, with the Adoption Act, and in 1985, with the passing of the Adult Adoption Information Act.

The latter has made it much easier for birth parents and adoptees to make contact.

Ms Palmer said this showed how women who gave a child up for adoption 30 years ago could still be affected by new legislation.

Her central focus is on birth mothers. She is seeking their input through both written questionnaires and interviews.

She said there had been few studies made of the adjustment of birth mothers and their families.

"Birth mothers deserve more attention from researchers and policy-makers. They too have to live with the consequences of adoption."

Ms Palmer wants to understand the assumptions about families, women's sexuality and motherhood which underly [sic] adoption policy and practice. She believes policy must constantly reappraise changes in the social context.

Birth mother interested in telling their story can contact Gillian Palmer by writing to her at the History Department, University of Canterbury, Christchurch.

¹Reproduced from *The Press*, 07-03-90, 2.

APPENDIX B
Nell
Daughter born 1940

Yeah, well I had her in 1940. Yes, she was adopted out about 1942 it would be, you see the boy that got me into trouble went away to the war straight away. I didn't find out I was pregnant until he was in Egypt somewhere. So I wrote and told him, you know, that I was pregnant and he wrote back and said, "whatever you do don't have an abortion because girls die". Well at that time there were a lot of deaths because it was the backyard sort of thing, you know?

So anyway, but the thing was I don't know what he thought I was going to do. I had a step father who wasn't very nice, he was a drunkard, you know, he gave my mother an awful life. I didn't, I didn't want to hurt them, Mum, and tell her and anyway it was very involved. I never told Mum until I was due to have the baby in a fortnight. I wore corsets, two pairs of corsets.

I worked, I pushed my bike from Richmond too, I worked at Lane Walker Rudkins. Because I, I didn't know what I was going to do! You know, I thought of abortion but I'd heard about this chemist in town here, he used to give you pills and he knew jolly well they weren't going to do anything. You know, "I can get rid of it for you for on hundred pounds". Well, I was earning thirteen shillings a week at that time. Well, you can't, it's just impossible, and my mother, I know they didn't have it.

Oh, he was had up to court many times but the doctors were sort of on his side and he always wriggled out of it, you know, and anyway I got a letter from way down south at Wedderburn from a lady down there and it appears that the father of Julie, he was overseas with this boy and this boy boarded. He didn't, Jimmy didn't want his people to know, that was the whole point. He said, "I don't want my mother and father to know", so I mean what was I to do? Well anyway I got this letter . . . from this lady to send me money for clothes for the baby and that sort of thing. Well anyway she was a lovely person I'd never met her or anything and she wrote and she said, "what are you going to do have you got anywhere to have the baby?" Because in those days [sharp intake of breath] it was shocking to have a baby, you know, if a girl had had a baby you were looked down on. Well anyway I told, I wrote back and told her that no, I had no where actually, I hadn't even told my mother. So I was waiting, I just felt as if something was going to happen so I could come out with it, well it did. So she wrote back and said well, you know, we'd love to have you down here. She had six children of her own she was a wonderful woman. She'd never met me, you know. So anyway once I knew I had somewhere to go, one morning I didn't go to work and Mum came and said, "come on you're going to be late you know". I said, "I'm not going mum," she said, "why", I said, "I'm pregnant", and I'd never, I'll never ever forgive myself for the hurt, you know, to her. "Oh", . . . she said, "what's the matter with me?" She said, "I've had three children of my own, how didn't I know?", you know, and I showed her, I had a pair of roll ons and a pair of corsets with bones and I luckily had a dress that was loose, you know, and I'd worn that.

. . . I left here Friday to go down to Wedderburn and the baby

was born on Sunday, that's how near. I hadn't been to the Doctor or anything so I didn't know when it was going to be born. So anyway I ended up there. Of course my mother wasn't going to let his people get away without doing something. I realise that now, you know, it was a silly thing to have done, I should have told her earlier but anyway while I was down there she went and saw them because we weren't, I'd been out four or five times, it wasn't a fling, . . . on his part it wasn't serious, you know, because he was going overseas and anyway while I was down there she went over and saw them. And anyway of course they said, "well how do we know it's his child?" So, but his mother came down to Wedderburn and she just took one look at her and she said she's one of ours alright. . . . Well anyway in the meantime I wanted to keep her. The doctor down there, he had jacked it up with some lady on a farm, wealthy people. They had a Karitane nurse and she came and saw me in the hospital 'cause I was going up as though I was married. I'd bought a cheap ring from Woolworths, you know, and she said I could work and live on her farm and the baby would be looked after, you know, and anyway, [Noeline's mother] she said, "no", she said, "you're not a farm girl", she said. "You'd only be a slushy, that's all you'd be", she said. No. Yes. She said, "that's all you'd be", and she said, "they just want you for labour". So anyway, she said, Mum said, "no", she said, "you're coming home". So anyway Jimmy's mother came down, so she said, "look", she said, "I'll take her in". So I didn't want her to, you know, I said, "oh I want to keep her", and they said, "no, what would the neighbours say?", you know, so anyway I kept in touch for about two years, it was. I went over there and babysat for them 'cause they were getting on; she had a family of her own and anyway I went over and babysat for them and that and when the adoption was ready to go through my solicitor said, "look Noeline", he said, "make a clean break", he said, "it's going to break your heart", he said, "if you keep going over there and seeing that child grow up and you can't tell her who you are". So I had to do this. Well in the meantime the war ended but I had met the man I married. And like a fool he was thirty years older than I was, and I told him. Mum said, "don't tell him, its nothing to do with him at all. It happened before you met him". And I said, "oh I couldn't start a marriage off like that". I did, and that was the worst thing I ever did because I got it thrown at me about my bastard, you know, when he got drinking and anyone came in, "Has she told you?", you know, and as though he did me a good turn marrying me, you know, and I think all I got married for was because I was dying to have another baby. You know, once you've given one up, and ah, he didn't want a family because he was fifty-three and I was twenty-three. Anyway I did have a another girl, luckily. I was pleased I had another girl. Well I couldn't do a thing about contacting Julie once I got married because of him, I knew what it would mean.

Now these people that took me in that were so good to me, they sent Christmas cards and Christmas presents and they wanted to keep in touch and I couldn't. I had to break right away, you know, and I've always had a guilty conscience about that because they were so kind. And anyway, Jimmy came back from the war, and he wrote. That's right, I would've waited for him but he wrote

to me and said things were so bad, you know, with the war, that if I met anyone else, not to worry. Well when you're young and you're twenty, you're full of romance, romantic ideas and I had visions of him coming back and us getting married, having the child and this, you know. But when he wrote that I took it that he didn't want me. . . . I could tell by the tone of his letter.

So that's when I met my husband, when I read that. Well he came back from the war, and he even invited me to his wedding. He met a girl on his final leave when he was up in Wellington, but I couldn't go. I mean, it just wasn't done, not in our society anyway. My husband wouldn't have gone. And all those years went by. And she was born on the 2nd September, but every 2nd September, you know, I'd wonder where she was. And when she was about sixteen she was in town and I was walking past the post office and I met her, who she [Julie] thought was her sister. And I said, "how's Julie?", cause one thing I was so pleased about was they'd kept the name I'd given her. They didn't change it. And I said, "how's Julie?", and she said, "oh, she's fine, as a matter of fact I'm meeting her". She said, "if you'd like to stand outside here we'll walk past". She said, "I won't speak to you cause", she said, "cause something might click with her or something", you know. And so I did. I stood outside and I saw her come by. I was dying to go up to her, you know. And she was, like . . . me, although she was like him too, you know, but I could see me in her. Well I never set eyes on her again after that. They shifted from Christchurch over to the coast, you know. Anyway when, about six years ago when that adoption thing changed and I married again, you see, my husband died; well our marriage broke up after forty five years, I stuck it and our marriage broke up and I left him, well he ended up, he went blind; he had a stroke before I left him and he ended up in Fernwood Hostel and died there and once he died, I was staying with an Aunt of mine when I left him and I said to her, I said, "I'm going to", when this adoption thing started, "I'm going to find out. Julie knows she's adopted." So anyway I met Monty and we've only been married not, only a year. We were living together for a few years, you know, and anyway I said to Monty, "I'm going to find out", so I contacted this sister who I'd seen in the square and she invited me over, so I went over there. So I said, I said, "does Julie know she's adopted?" "No, oh no, no", she said and she said, "and I think she'll shoot you and shoot herself if she finds out", you know. I said, "well", I said, "all I came over for was, is if she ever wants to find me I'm quite willing", I said. "I wanted her to know that", I said. "It's up to her", you know, "I wouldn't do anything to butt in", so "no, no, no, she wouldn't want to know". So I left it at that and about a year after that, I had seen her adopted parents deaths one after the other in the paper some years ago and anyway the sister of hers remembered me, said, "oh Neline, I've got to see you", so she called in. I said, "what's wrong?" "Oh", she said, "Julie knows she's adopted and she wants to meet you", and I said, "oh, I'm thrilled!", you know, I said, "how wonderful", and she said, "oh she wants to know why she was dumped", and I said, "well she wasn't dumped, it wasn't in my hands", you know, I said, "at that time", I said, "what could I keep her on?", you know, so anyway she lived in Auckland and it

was all arranged that she come down here and anyway, and I'll never forget the day I opened the door and she said to me, "have you got butterflies?", and I said, "I've got elephants, not butterflies" and anyway it went off well, you know, she said that she found out she'd known since she was sixteen and she hadn't told her parents because she didn't want to hurt them but she was in Australia staying with an Aunt and you know how you give children old photos to look at and she found one that had written on the back "Julie the little girl Alice and Jim adopted". That's how she knew she was adopted because she looked so much like them that looks wouldn't have affected them.

It's hard for the mother to understand. She said to me she'd like to meet Janice and that, I've only got the one. And anyway she was quite keen but she's got she's got this other sister that, that I contacted and then there were, Jimmy had a brother and another sister, well apparently, Julie told me that when she wanted to find me she went to Jigsaw and they said to her ask your immediate family and if you don't get any satisfaction come back to us and we'll dig around. Well anyway she said they're, this one, because she couldn't really do much else this one I'd been told her, the others wouldn't they said no that they wouldn't tell her. And I think, I don't know whether it was my mother going over there when I was away and you know, and stirring all this up, I don't know but this other one she's a bit cool you know, we went up to this wedding and she only spoke when she--'cause I wrote and I said to Julie I don't know whether to come or not it's a bit awkward, I don't know how Bev and Melva would think, you know, what their thoughts are. Well I think she must have told them that she wanted them to be civil to me and that's all the woman was. Monty noticed it every time we were in a Motel because they couldn't put everybody up, and every time we were round there, we were there two minutes when her sister said, "come on do you want to come for a walk?", to the other sister, you know, so she wouldn't have to sit and talk. So I don't know what was behind it.

I could never have gone and found her if I had still been married to my husband no that would have been, I couldn't have done it. . . . I wanted to do something about it you know so it was just a stroke of luck that she wanted to find me too. But oh no nobody knows what it's like not being able to tell anyone. I had cravings for apples, . . . it is really forbidden fruit. Oh I must have eaten pounds and pounds of apples when I first got pregnant. You know there was nobody I could talk to. Mum couldn't work it out why I didn't go to dances, you know she said you used to love dancing you don't go and I felt that I couldn't go and not tell a boy you know 'cause I was pregnant and oh when I got down to Wedderburn and this woman said to her husband she said, I travelled by train and bus you know it was well in land the train didn't go in to there and she said what do you think . . . well with having six children he knew all about it. He said "it's not very far away is it", and she said "no", she said "it isn't", she said "and I've arranged for the Doctor down here." Anyway . . . before I could get to the Doctor on the Monday she was I went in to hospital the Sunday night. I mean I, I could have had it at home.

I just didn't . . . want Mum to find out. That was the whole

crux of the matter anyway. She said, "you silly girl", she said. Because she . . . wasn't unapproachable my mother. But since then I've always blamed her that I got pregnant because . . . she never told me; the only thing she ever told was not to let a boy put a hand on me. . . . That's why I think today sex in schools is being taught is wonderful. Because no I didn't know a thing. I thought that line up your tummy the babies came out of there. But, but no, on the whole I'm glad she's found me you know with all these little bits and pieces. . . .

Oh and Jimmy, her father, he came back from the war, well I'd never set eyes on him again. My daughter, Janice, she was twelve and I went into town and I went in to a butcher's shop to buy some saveloys and who should serve me but him. And he said, "Noel", he said. "I've got to see you, I've just got to see you." So he said "will you wait? Will you meet me outside?", he said, when he'd served the other customers and then came out so he said, "look", he said, "we've got to talk" 'cause he said, "why did you get married?" and all the rest you know and I said, "well you did too." So we met one lunch hour in town and it was in Latimer Square and he wanted to know all the ins and outs well he said that he married this girl. I said . . . "I've had a hell of a life Jimmy." Married life, I said I told my husband, I said "I should never have done it should I. I had it thrown up at me." He said, "well I have too." He said he didn't tell his wife and one of his mother's sisters very kindly told her you know that Julie wasn't their child you know it was Jimmy's. And anyway he, he says she slung it at him too for the rest of his for all his life he'd got it thrown up at him about this other girl. Well Julie told me . . . she said "I was hoping that it was Barney was my father," that was the other brother but I said "I'm sorry I can't oblige", so she said "Jimmy's always been very cool to me", she said, "when mum took me there visiting he was never nice to me you know what I call." . . . I told her. "Oh thanks for telling me that accounts for it". You see he was frightened. He told me he said "I daren't take too much notice of her or else my children you know my wife says 'oh you think of her than you do of them'", so . . . that settled that. She said "oh that's put my mind to rest", she said. She said "I wondered you know why he was so cool to me. . . ."

But Mum found out the Doctor down there was a Major in the Army a Doctor Costello and of course he was Catholic. . . and Mum found out. . . . She wrote to him . . . because she was annoyed that he was trying to encourage me to keep the baby you see. So anyway he wrote back and said he would be staying at [unintelligible] Hotel. She went there and she said she was most embarrassed he was so nasty, you know, he said, she said to him "I want you to stop trying to encourage her to keep the baby." You know, "you don't know the circumstances." Well he didn't, . . . She's had a far better life than I could have ever given her. . . . and my mother told the doctor she said, she said "I've got an awful husband, second husband," you know, [when] you've still got a black eyes. Well you imagine putting a baby in that. So anyway she told him to mind his own business and he said to her "it takes two, you know, it's the daughter's fault as much as the boy's." It's true too, but in those days there was no contraception that a girl could use I mean and I knew nothing

about condoms or anything like that to tell the boy to put one on it just wasn't done in those days, not like today, you know.

. . . An Aunt of mine was the only one that guessed after when I went away, you know, she wanted to know where I was. She said to mum she said, "Noeline's pregnant isn't she." Mum said yes how did you know?" "Oh", she said, "I can tell how she got fatter." You alter, there's no doubt about it. I had that, you get a mask, you know, brown from round here and she said "I can tell" she said. And Mum said well how I didn't notice, because like Mum has so many troubles of her own and I suppose she wasn't looking for it but oh it wasn't an easy time I tell you, pushing a bike to work, you know.

[Further on wearing corsets]

It wasn't comfortable I tell you. I used to get into bed at night and let it everything hang out, you know, it was a lovely feeling to take everything off at night. Yeah mum couldn't get over it she said I just can't believe she said. And I had a sister who was married with a child and she never noticed so I couldn't have been all that big, you know, to be able to hide it with the corsets but I tell you it was summer, it was hot, I remember being trussed up with corsets.

As I say I would have loved to married him you know he's dead now he died two years ago but you know you're full of romantic notions at that age. I used to lie in bed and pray Jimmy would come home. "The war will finish soon and I won't have to", you know, but he was there the full time you see for the five years. So no the sisters told me Julie's sisters. She [Julie] said to me "this is dreadful" she said, "the ones I thought were my sisters and brothers are now my aunts and uncles. I've got to start thinking of them differently you know."

Nobody knows you know every year when her birthday came I used to say "happy birthday Julie", to myself, you know. "Wonder where she is." I never dreamt. . . .

[How old was Julie when she was adopted out?]

About two I think when the final adoption came through but . . . the solicitor said to me, he said to break away and I thought well it's going to have to be because I doubt whether I could have gone on and on without and then of course with him . . . with him coming back you know it would have made things ten times worse. But oh there was a lot of it during the war you just don't know you know girls went away . . . but I was such a greenhorn I don't know I should have known.

I didn't know. Well as I say Mum always said to me "don't you let a boy lay a hand on you." I mean it could be on your arm or anywhere for all I knew. I didn't know. And then you know you used to hear things it takes two and all this you know and then somebody said it doesn't you know it only takes one to get pregnant. Oh no.

. . . I did meet up with them in the square one day and the father the adoptive father the mother was a wee bit I think she was afraid I was going to . . . Julie wasn't with her but I walked away to get my tram. There were trams in those days and he came after me and he said "Noel", he said, "I want to thank

you", he said, "giving us Julie he said she's the light of my life", because the rest of the family were all grown up then. As I say I haven't any regrets about the life she's led, you know, I would have if she'd been badly brought up because I had a step-father that would have committed incest as soon as look you know one of those and I knew she wouldn't have it. He was alright till I was about--see my father left my mother, cleared out and left her when I was three months old and then . . . and Mum married this bloke--and he was as good as gold till I was about seven or eight. He drank, I didn't notice it, when you're that age you don't . . . anyway then he started you know . . . so I mean as I say I, I have no regrets that I let her go to them .

Julie said, "well what on earth did you get married for?" Well I said "the war was on all the pick of the boys were overseas." The ones that were left behind were either conscientious objectors you know that didn't want to go to the war or they were turned down because they had flat feet or something like that you know. There weren't many to choose from and he was such a gentleman. Opened car doors you know box of chocolates when we went to the pictures all this you know. But that all changed. You know once I was married, so, so I walked out. You know that's the only time Janice and I really fell out, you know. . . My mother wanted my sister to adopt Julie but she wouldn't. She had one of her own. Mum said, "why won't you adopt Noeline's cute little girl?" Now I'm glad she didn't because my sister always had a terrible time You know in the finish it has worked out for the best. . . . You know people think it's easy. But I was always on tenterhooks all the time when new people came into the house that he would 'cause you know people are not like today nothing like it you know.

. . . I was a bit hurt by the solicitor, they look at things in a different way. Monty and I when we got married . . . I wanted to leave Julie something and Denise [Julie's daughter], I'm not a money person, I can't leave them a lot so I've got a collection of La Mouge so and I know Julie likes it you know. I said to him, "I want to leave my collection of Le Mouge to my daughter Julie," I said, "you know who I adopted away." "Oh", he said, "she's not your daughter. Once you're adopted that's nothing." I said, "I think of her as my daughter and," I said, "I'll always think of her as my daughter." So I said, "I want my daughter put in there please." And then when it came to Denise, I'm leaving her a ring. And he said, "is she the daughter of this?" and I said, "yes," and he said, "well she's not your granddaughter." I, I think it's cruel, you know.

. . . . Yeah and I said, "well I said I think of them as my grandchildren and", I said, "that's all that matters to me." . . . Monty said you seem so much more contented well I said I am, I'd have hated to go to my grave and not known you know what had happened to her and everything. But no it's a cruel old world in lots of ways you know but then things work out in the finish. . .

I didn't seriously think about abortion, probably had I been pushed. Now if I'd told Mum I think that's would have happened. Because when I eventually told she said, "you silly girl", you

know, "why didn't you tell me we could have done something about it." So I think that's what it would have ended up as. But I never seriously--I'd made inquiries you know of others in a round about way you know and I knew, I'd seen all these court cases in the papers this Bettell chemist I told you he used to do he used to take them and when nothing happened you know you'd go back oh I'll do that for one hundred pounds. . . . But it doesn't always work out I know.

Kim
Daughter born 1951

There's a lot of blank spaces now Gillian it all happened so many years ago. All I can remember it being a ghastly experience and one that I wouldn't care to go through again and that it all seems like a very bad dream when I look back and something that should never have happened like that had there been help forthcoming to people like myself in that predicament. And when you get people who don't even want to know you when they realise you know what's happening and you've got to face this alone it really is tough. Not only was I not getting any help or sympathy from my own parents but I certainly wasn't getting very much from his parents either, you know, who just seemed to take it all too casually as far as I could see. . . . It was just so hard and then of course you know, I had the baby and everything seemed OK at the start, although unfortunately my baby's father was an alcoholic, so this made it very hard for me and the baby and he was just spending all, all his money in the Hotels and his mother was giving him money instead of seeking help for him which he really needed. People like that don't help, you know?

. . . I was so innocent about the whole thing, I just went along with what everybody said.

Back then we were pretty innocent because back then nobody talked about that sort thing, it was taboo really, to be having a child out of wedlock and of course my parents thoroughly disapproved simply because he was much older than I was so you know they felt that I should have known better because I'd been given as they referred to . . . "a decent upbringing" and this should never have happened, but unfortunately I had parents who didn't want to talk about that sort of thing, you know, they'd hide it like dirt under a carpet and of course if parents don't want to talk about it who can you talk to? And I think this is all the more the reason these things happen sometimes parents don't realise in lots of ways they are to blame for not sitting down and discussing it with you.

. . . I was just so in love with this person and I really was, I could probably say he was my first love and the inevitable was to happen because one didn't think about taking any precautionary things so I never ever tried to stop it because nobody said you should . . . because you're going to be in a whole lot of trouble if you don't, so you know . . . because I loved him I wanted to have his child.

Well I wasn't thinking of the consequences . . . I mean what was going to happen? . . . We all make mistakes and things just went from bad to worse you see at that point because he had no money to support us, my child and me, he was still living at home and because he was an alcoholic he would only work for a few days and then go off on a binge you know it was just drink, drink, drink. Unfortunately he was one of these people who got rather abusive . . . and so there again my daughter and I suffered from his abuse, both mentally and physically. So you can see that it

had gotten out of hand and because I had no one I could talk to about the situation because his mother was a non-caring domineering person. She was the one who made all the decisions and she was the one who finally said "this can't go on you will have to give her up", because obviously the father doesn't want to marry you or can't afford to. So consequently, putting it all in a nutshell, she made the decisions and made all the arrangements for my daughter to be adopted. But the hard part about it was that she was a person and she was a year old before this was all to happen. So it was like losing a part of me, you know, I couldn't believe it had actually happened, you know, she was able to persuade us to sign papers and say that this was the only way and that was it.

That was it, it was a cutting off thing it was like losing someone, like having a part of you amputated, you know, you just simply cut it off, just like that. I don't really know what I did after that, you know, I mean I just left him, obviously, we parted, . . . my parents, as I mentioned, virtually disowned me and you know it was that sort of situation and because . . . there was a bit of a mental block after that because I think the shock was so great to go home and find your child was no longer there. So I had to walk away from that and try to start a new life for myself.

G-So was this, this was an adoption through Social Welfare?

I've no idea. No I believe it was done privately, I'm not even sure if my daughter's father's mother might have even known these people and had heard that they wanted to adopt so I believe that the whole thing was done privately.

G-And you did you know who the people were?

Oh no, no, no, no I never I never ever met them I was never to meet up with them of course because you didn't. That was something that was kept very, very private because I mean had I known who had adopted her I would have probably tried to get her back you see later on. But no I knew nothing of the actual whereabouts all I knew is that they lived in Christchurch but that later on they, they took my daughter to Australia so she left. I believe she was in Christchurch until she was about eleven years old and then she was taken to Australia to live and has lived there ever since.

. . . she had made several attempts to contact me. It's really quite funny because she what she had done was to put some ads in the papers when she had decided that she really wanted to contact me . . . the people who adopted my daughter already had a son. And I believe that the law states that you can adopt again but you can't adopt another son you can adopt a daughter, you can adopt a girl but not a boy. They these people they adopted Ann and somehow or other as Ann got older and really felt that she had nothing in common with these people . . . they loved her and had given her a wonderful start in life something that I could never have done but she just felt she didn't belong that she

always had this feeling that there was something wrong and also the fact that there were no baby photographs now this is always something to put immediate suspicion.

G-So she didn't actually know she was adopted.

No, no, no because they had no intentions of telling Ann she found out quite accidentally [as I did] about my adoption.

G-. . . You're adopted!

You see talk about history again repeating itself. So I never knew anything about myself either and I always felt that they weren't my real parents either and it wasn't until she got older and was able to think for herself that she kind of put two and two together and it was her half brother who actually let the cat out of the bag because he was much older than her. And immediately she knew was the time that she really tried to find out about me and where I could be contacted or you know located. And she started out by putting ad's and things in the newspapers but unfortunately I don't think she put them in a Christchurch one, she [Ann] they went up north so nobody up there knew about me so eventually [she] came to Christchurch and came over with her another sister would you believe they adopted another girl so Ann has a half sister too. And they both decided that they wanted to come over here and see what they could do about you know tracking me down. She wasn't so concerned about finding her father, she wanted to find me. And little by little she was able to get a bit more but she'd made three different trips over here and came up with nothing and of course you know I was trying to find my daughter. So I had more luck than she had because I went to the office of Births Deaths and Marriages and they accidentally gave me information that they shouldn't have which gave me something to go on and I had the name of the people who adopted her and where they had been living and it was much easier for me to track her down; not on my own I couldn't have done it on my own so through the Catholic Social Services through a very nice woman who really was just so nice to me. I couldn't have done it on my own she was just marvellous. And within, I believe, about three weeks, I had tracked my daughter down it was just too incredible for words and she was my, she became my mouthpiece. You know she felt it was better if it came from her and she was able to we eventually found out where Ann was living in Australia and it was Celia from Social Services who made the call. Ann had some sort of premonition at the other end, you know? From the way it was all worded, she felt, and the first thing she said to her husband was "give me a double scotch, I need this", you know? Yes, so she was told and then she eventually got round to contacting me and it all happened on mother's day which you know was an incredible thing to have happened. So I guess I was one of the lucky ones because you know my daughter and I are very close. She is my only daughter the only one I was able to have, I couldn't have any more children. So that was something else, you know, that made it doubly tragic for me because I married after that and there was no, no children you see. So you know I know I missed a whole lot

out but you know as I said I blanked out deliberately, I feel that you can do this.

Yes, because things are so bad you don't want to recall there's a of things you don't want to recall about it because it's just too bad, a very bad experience. So you know that's basically it but in my case it had a happy ending.

But you know I found it hard to you know get close to them [K's parents] after this experience of having a child you know not being able to keep her and people not really caring. And I would have thought they would have understood. I expected them to understand my situation a little bit more than that. But no it was not to be. I think they sort of offered in a half hearted way to take her but it wasn't going to work you know but I think you know we're lucky sometimes that we don't go mad, mental, something you know when all this suddenly happens. . . . One day you've got a baby and the next day you haven't you know.

. . . I'm thankful that I didn't get all hard and bitter and you know things like that. It's just very sad that it had to happen.

But it's all been a bit of a fairy tale now when you think about it because now that my daughter has you know she has actually contacted her father her real father she's very happy have met up with--not actually met up with she's only corresponded because he's living up in the North Island and presumably he's never ever stopped loving me. He's always, as my daughter says, "he's always held a candle to you you know. He still cares about you." And he lived with another woman and he desperately wanted to have children of his own. And she was able to settle him down a little although of course he's still drinking but at least she was able to give him the children that I certainly could not have had we eventually got together anyway. But I suppose it's quite flattering you know in a way because I loved him too and I don't think I've ever forgotten him. . . .

. . . I would never have stopped Ann from getting in touch with him or anything like that because I had nothing to hide I was completely innocent and he, thank God, he understood how it was and he always blamed his mother for what happened to us because he felt the same way about me. So that was very sad because we could have had a wonderful life together had it not been for him drinking so much. If he could have just got some help when he needed it.

Yes if he could have got away from his mother's clutches because she was so bad for him. But now that, as far as I can see the jigsaw is practically complete, my daughter has now made the contact with her father and of course and his children and they're all delighted to know that they have an elder sister out there, she's kind of the elder sister and they're all in touch with her too so it's absolutely wonderful, I'm so pleased that it's ended up this way. I mean it could have so easily gone the other way couldn't it. You know my daughter may have never

wanted to know might never have wanted to know me and that would have been even harder to live with.

I guess I just have to be thankful that I can say after all these years I've got a family to call my own, a real family. . . .

You see that's a shock when you realise just how much it is your feelings are and what your emotions can do to you and how much you had hidden all this time. It doesn't take very much to get it going.

. . . we seem to we're forever putting on an act aren't we you know, that everything is fine. Yes, keep up appearances, you know, no matter what, I suppose that we should be thankful now that over the years it's been that much easier to talk to other people and that all these groups have come about you know so anyone who's going through that now doesn't have to go through the same traumatic experience that we did back then.

They're not alone, Yes it's so much easier now

. . . I think that nowadays I don't know what it would be like you know, trying to support a child you know under the circumstances we live in today with so little money about and unemployment and whatever, it's going to be just as tough now as it was back then, really, so from that point of view there's very little difference.

. . . I don't think I have the same guilt feelings that I had you know a few years ago but it's still there and it all came rushing back you know when I knew that I desperately wanted to find my daughter and when it was all happening I had these dreadful guilt feelings you know my god what have I done I should have left things as they were, you know? And those are the things that come flooding back to you really. I mean I know now that it was the right thing to do.

. . . I'm quite convinced that's what we do when something really bad happens in our life we tend to shut it off. And it's not easy to recall it.

You see, for years, people never even knew that I had a daughter and . . . I had to live with it, they didn't know, I couldn't tell them. It wouldn't have interested them. So I kind of went along making friends and things like that but they would be married and have a family, but I could never tell them that somewhere I had a family. And a lot of people were absolutely amazed when it all came out you know they couldn't believe you know to think that I had gone through all those years and not even talked about.

And I can tell you from that moment that I made that contact my friends out there have never ceased to be amazed that I could have kept it hidden for so long and there was I with this tremendous need to find my own daughter and they said "and here we were blabbing on about ours you know and you had a story to

tell." So that's another aspect of it of other people out there not knowing. I didn't talk about it because there was nothing to tell.

. . . As I say, I think someone up there really took pity on me in the end and said well, you know, we'll give her a second chance. . . . my dad was still alive at the time he was very, very happy of course and fortunately he got to meet Ann he was in a home by this time. He couldn't believe it he kept saying "I'm a great granddad. I'm a granddad but I'm also a great granddad."

All at once it had happened for him. And so he met his little great grandson.

Yes, it is a kind of circle and or as I've put it to my daughter a bit of a jigsaw puzzle because up till then she'd met me and gotten my side of the story but she had yet to meet up with her natural father and I guess I was a little worried about that at the time, you know, Ann said it's my right I want him to know that I exist she was referring to her father. . . . The last time I was over in Australia we chatted and chatted about it and Ann said I don't care if I never meet him but I want him to know that I exist. And I said so be it Ann if that's what you want because I had the power to do this. So although I have never had any contact with him the contact came through Ann's aunty it's rather complicated, her father's brother's wife who lived right here in Christchurch and a lovely person, she really is lovely, she's been just so delighted that this has all happened for me because the same thing happened for her because she had also adopted out a little baby just about the same time that I did. . . . she has since met up with her daughter so it's been a wonderful thing for her too. So we have a lot in common as you can imagine. So Joan and I are very close so through Joan she was able to write to Ann's father and tell him it was OK for him to write to Ann. So this happened just a few months ago. So he's over the moon and I'm very happy that he's happy. . . .

This happened to Ann when she came out to New Zealand on one of her visits she also went along to the place where they keep the records and she was told by some elderly gent who had no idea of what he was talking about and . . . anyone's feelings and he told Ann then that she should leave things as they are that she should not delve in to anything like this and she should be thankful that she has parents. . . . a good family that brought her up and he could not understand why she would want to make this contact and she was just so angry because this was one of her visits over here to . . . try to contact me which failed miserably and so she went back feeling very, very unhappy and angry because someone had dared to say this to her.

No understanding, none whatsoever. Yeah. And this was just before the Bill of course, was passed. So you know it just made it so much easier. It was bound to happen of course because there were too many people out there who wanted to know and wanted answers so yes, so there we are but . . . you have to be miserable for so many years before something eventuates and that

you feel that you've missed out on so much. Because it would seem that I needn't have been alone for so long. There had to be, the time had to be right, as they say. . . . well they say everything comes to those who wait.

I think it eats away at you eventually, you know, it can almost destroy you, really, because if you don't talk about it and get it out of your system it can do a lot of damage to you.

As my friends have all said to me since, you know, "you could have written a book yourself" and I guess I could have. Funny about that though I just found it very hard. I can't find anywhere that I have written anything down about this it's all been in here. . . . It's too close, and so even writing about it is too painful and so you know, not even having it written down anywhere you know except for letters I have written and of course one of the hardest letters I have ever written was to my daughter to try to explain all this and I can tell you it took a lot of and Ann tells me that her father had the same problem . . . he just found it so difficult because he'd never forgotten her either.

There again it's all the guilt feelings that come back at you and what is my daughter going to think when she gets this letter?

Judy
Daughter born 1958

I was I was sixteen and a half actually at conception that was 1957 and my parents, you know, sort of discovered it because I was getting a bit large at the time and we went down to Ashburton. I think it was about March 1958 I really can't remember and Debbie was born 17 July. Subsequent years I'd forgotten what date it was. I had to put it out of my mind, you know, because you hear of so many people saying my child would have been such and such if it had lived or whatever and I think it's so sad that they have to remember, so I put it out of my mind and really couldn't remember, you know. And then I went back to work and it was never mentioned again, you know, by my family at all.

That was it, it was complete, you know, blank. There was a chap who I knew who visited me occasionally down there, you know, I became quite fond of him subsequently and then had another baby to him a year and a half or so later. But you know he, I think he was the only love of my life, in all, in all those years. But I suppose because he sort of supported me through that initial one, you know, I suppose I felt I felt fond of him. But he was the only one who knew apart from my parents.

[Support]

Well there wasn't. As I recall not a lot. There may have been a sickness benefit but my mother didn't want anyone to know about anything at all so I was just, I was just left completely and she paid the board and I boarded with these people and just went into the hospital and had the baby. There was no Social Welfare workers or, . . . the only person was the doctor who examined me I suppose and I don't recall any discussions at all as to what, as to what would happen after or anything like that. But no I was far too young, it was just best to have her adopted, there wasn't really any choice. . . . I doubt they would have even given me an option in those days.

[Abortion.]

Yes that's right, Australia was about, I think I had heard of them but only very hushed tones sort of thing you know it was something you didn't delve into too much. Yeah, Australia was probably the only place.

So and I just, I just returned to work and mum never ever spoke of it, you know, ever again. But of course I didn't you know all through the years I did remember not exactly when she was born that sort of faded but you do wonder and it probably would have been nice to know if she had been alive at least. You know, or where she was and it was rather a surprise when she did write through a friend and I've still got the letter saying "I've got my original birth certificate your name came up and . . ." I can still remember the morning it arrived. . . . So that was September three years ago, August it was August coming up three years. . . . I expected something at some stage, you know, a knock on the door or something because if it didn't it would be on the birth certificate. And so I thought it's up to her if she wants to do that that's fine but I'd rather not know if something

had happened to her in tragic circumstances, I'd rather not know, you see. But it didn't so So it's been, it's been good. Oh it was a strange feeling. I walked around for a few days with this letter and I'd read and I'd put it away under my pillow and I'd read it again, you know, and read it again. My husband read it, you know, but it didn't sort of mean, you know, it just gave him, you know, an idea of what she'd been doing and she's a marvellous cook and she can sew and knit and she can do everything she's very capable. So that was nice. I sort of hummed and haa-ed and then her friend contacted me from here I think or did I ring her? I rang her and she said "oh I'll pop round and give you a couple of photos"--they were photos sort of taken a year or two ago--"and give you a couple of photos and with her phone number if you want to make contact." So she did. So I sort of walked around with the phone number for a few days too and then dialled and spoke to her on the phone, that, that first contact which was lovely. And then then, you know, we wrote after that.

I've been over a few times, seen her when she comes here. And I just rang her the other, Saturday night, no Saturday morning just to say 'hello and have a good trip' sort of thing. Yeah, yeah.

It's hard to remember how you felt at the time because it was such a clean break I never even saw her in the home after she was born.

G-How old was she when she was adopted out? Just a few days?

Oh, oh, yes she was probably adopted within a week or two. She knows, she's got all the information. Yes, yes. She's even got the birth records from the hospital which is sort of, you know, scribbled, it doesn't really mean much to us but she went and got all that. Oh she was thrilled to bits, yes to get that. So it meant more to her.

G-How did you feel when you met?

She, out at the airport, she was coming. I'd, I'd sent a photo. She was coming over for her annual holidays and I just went out there and watched her come through and she met her mum, you know.

G-Did you recognise her?

Oh yes, yes recognised her, met her mum. I saw her get up and give her a hug you see. After a few seconds I went up, yes. Yeah, she was quite surprised, yeah. She was expecting me to be there.

. . . you know I think my dad must have been a bit curious. He never ever mentioned it of course, you know, but he would but I think he would have liked her.

G-He's dead now?

Yes, yes. And Mum is too and Mum died before we came together too. . . . So it sort of, sort of worked out good like that, I didn't have too much, too much explaining to do or they didn't feel that you know they wouldn't feel too bad about it. It was

just, you know, just the right time. I was ready and she was ready.

That hurt me dreadfully when they would say "well you know so and so and so and so well their little one's adopted", you know, their youngest one's adopted or whatever. Well I thought what about it, what's that got to do with anything at all and that grated, that people actually distinguished between so and so's family you know; three boys and a girl or something and pointed out that one of them was adopted as though one of them was different or black or striped or you know and that gave. . .

G-What do you think about the adoption legislation? Have you had any thoughts about it?

Yes, it's a bit, I was a bit, sort of, worried for a start. I thought oh all sorts of things will come out of the closet, people will be you know frantically pestering the Social Welfare or whatever Department was going to handle it, you know? And I thought well a lot of people aren't going to take it lightly especially older people, you know, perhaps in their sixties and seventies, it's going to be pretty traumatic when you've got middle aged families and there's this other middle aged person. .

. . . . with their family coming along. No it didn't really concern me as a person. I just sort of felt sorry for some of the things that may happen. You know one party might want to meet the other party and it mightn't be reciprocated at all. But for myself, no I wasn't. I thought "oh well if she comes out of the past she does and if she doesn't that's it". Yes, yes. Strangely enough there's two other members of my husband's family that have had contact with their birth children too, since then, yes, just before this. . . .

. . . I mean, it wasn't, it wasn't even spoken about. Even at this reunion a couple of weeks back there was one girl I sat with at this dinner, oh briefly, you know, circulating like we had to and her youngest one was adopted and I, you know, told her about this one. And she was surprised because no-one of primary school years or high school years knew at all, they just had no idea. Because there wasn't a lot I kept in contact with, even my best friend never knew.

. . . Oh it was organised through my Doctor here, yes, yes. . . . I suppose, I suppose Mum came with me to the Doctor to get me checked out to see if it was definite and, and I think he must have arranged to have me, yeah, transferred I suppose. I suppose Doctors sort of knew these things. Secret network. But it was a very cold winter down there. Extremely cold.

. . . there wasn't really much alternative. The lady went out to work and the teenage daughters, they went to school. So I was just by myself during the day, you know, I'd sort of get up when I was ready, perhaps ten o'clock if it was time, and they used to keep fairly late nights so I still needed my sleep. And potter round during the day and perhaps get the meal on at night and go for walks in the sun and, and sewing or knitting or whatever.

That, that was about it.

. . . A bit lonely I remember once or twice but then I don't mind being by myself so I sort of got used to it in a hurry. Yeah yeah. . . I knew, I knew the word condoms but that was all at that stage, yeah. . . Sold through chemist shops I expect.

. . . I think I just made the decision, I mean I didn't even like the bloke all that much. It was just a, you know, one day accident, you know, that sort of thing. I say that to Debbie and she goes oh! No, I was just too young and, you know, the baby would be adopted. Yes, I don't think that there was any discussion really, any at all. At some stage we did visit the boy's parents and the mother was highly indignant, I recall; "Oh my son wouldn't do that!", anyway, you know, and very stiff and starchy. . . she just denied that would ever happen, sort of thing. And mum was, mum was absolutely mortified, you know, I mean it upset dad to see that that mum just couldn't, couldn't accept the fact that I was pregnant and what were we going to do about it and the boy's parents saying "it's not my son". . . Well even now you see there's, oh this case in America, they wanted to know who, whether to let the embryos go, the couple had split up or something and she wanted them and he didn't or he wanted them and she didn't and I thought "oh technology's actually raced ahead of morality."

To experiment to a certain extent, you know, is good and I, you know, it's a marvellous field to be in. I think that it's great. But I think they should leave it there. I don't think they should. . .

She [Debbie] feels a better person, she says she feels much better about herself now and I probably, probably feel the same. Just knowing she's there and alive and well makes a difference. If we didn't have contact again it probably wouldn't matter but we would have had it and that's nice and I suppose as you get older it gnaws at you even more I don't know but, you know, I didn't worry unnecessarily but I did think "oh it would have been nice just to know, how she was", yeah.

Well she sends me Christmas cards and birthday cards which say "Dear Mum", you know, it's sort of, a bit of a giggle really, but I really don't think I can overstep that bounds because her Mum in Ashburton, her doctor said to me, "just be careful with her", you know, "she, she's really a bit", 'cause I suppose she's the next age bracket, I suppose she's, I don't know, she's I don't know round her fifties. It was even harder for them wondering what was going on when Debbie decided to look and and I took down some flowers, I didn't see her at Christmas she wasn't home. I left some flowers on the front door step and what have you. So we have occasional contact which is which is nice and we will, you know, in a couple of weeks. Nice, very nice person . . . oh I could imagine how difficult it would be if someone comes back into your life sort of this other mother or other father or something. Yes. . . There's there's a distance and yet you know there's a closeness but there's still a distance which is good so you're not being personally, real personally involved, because you don't have to live together.

No after support nothing that I know of. Well I mean as far as everybody was concerned it didn't happen, so I mean there was no after effects. I mean there wasn't, finish and that was that.

Carol
Daughter born 1968

I was raped when I was about eighteen by someone . . . and the result of that was I conceived, got pregnant and carried my daughter to the full term. I had her adopted out. So there's a lot of trauma around her conception and another set of trauma around her birth which has affected her too.

She's a medical student here and the last run she's been on has been the obstetrics ward . . . all the issues about life and death come up for her as a professional but they also hit her . . . very personally. Because we were talking about bonding and she said "I never bonded to my [adoptive mother]" . . . and she couldn't understand why not so I talked about the birth experience that . . . she was very close to me while she was developing and we had a really close bond but I never touched her or saw her after she was born. The trauma was awful . . . and I had no . . . instruction and no support from anybody at all, staff, friends, family or anybody and once she was born she was taken straight away and I never saw her until 1988.

. . . I didn't acknowledge that it was a rape until I came to Christchurch because I think that the trauma of all that conception, birth stuff sat over the top and I became a tutor at Christchurch Polytech in the special programmes department and one of the things we used to look at was abuse, rape, incest, all those things as, because so many of the students had come from that background and we showed a Canadian video on rape and I remember very clearly sitting with the group of students, "that's happened to me". . . . So it wasn't until I came to live in Christchurch that I was able to acknowledge the fact.

[Support]

His family would have [supported me], because they knew because he was someone that I had known . . . as part of my circle of friends. Friend! However, but I didn't want to get support from him.

We looked at the options, we looked at the options and I tried a back street abortionist. . . but he so freaked me out that I hadn't actually carried it through. My parents were not supportive of me keeping the child . . . so my GP thought the best option would be to send me away to a farm and I was sent to a good Christian family. They were nice and they were doing their Christian duty in taking me in for three months . . . so that we, my family would have lied about what had happened and I've got two younger brothers and my youngest brother didn't even know. I had to tell him . . . five years later. He was shocked because he didn't know.

They were kind yes they were. I was well fed I helped look after their children. . . . I felt very lonely and isolated in spite of that and they took me into Timaru maybe three times to see a Doctor but I actually had no antenatal classes or any information about how birth takes place. . . . So at a superficial level it

was quite pleasant because they were kind, we used to go to church . . . and listen to John Elridge speak . . . and he used to have very innovative sermons, he was young. Perhaps he was the only person that I saw who was genuinely sympathetic. . . .

I was very damaged. Even after thirteen days . . . I couldn't stand up straight. It's quite likely that some of the damage was deliberate . . . because some doctors do punish women who have illegitimate--so to speak--children, so I was very bruised and torn . . . and I was isolated in hospital they asked me to wear a wedding ring but I refused because I wasn't married and they put me in a room by myself. . .

. . . I don't actually remember what happened. All I remember is a social worker coming to me and asking me to sign some papers. I don't know why I didn't see her or why I didn't have her [C's daughter] brought to me or why I didn't do something about it although in hindsight without any support it's very difficult sometimes. . . .

I also, straight after she was straight after Pam was born I was taken up to my room and the matron came up with me and she stood at the end of my bed and the next door girl was crying and crying and crying and she said to me, "the woman in that room has had a still born child you should have had that child." That kind of punishing behaviour. . . .

. . . I think the adoption process denies women or certainly denied me the reality that it really happened at all. You got pregnant but you didn't have a baby because there's no evidence, it's gone and because of the secrecy it wasn't acknowledged that there was for me a great huge part--physically here [Carol gestures towards her stomach] it was too--missing.

Even when the adoption Act came in and I applied to Social Welfare to find out where Pam was I got minimal information, almost nothing, no names, very little information.

Pam, when I first wrote to her, sent me the information she had, had about me, which is just that. No real information about who I was as a person and I got none back about who she was . . .

No, no acknowledgement of conception carrying through a pregnancy, giving birth and then having any kind of contact with your child, in some ways Pam and I have done some of that bonding now, but both of us have been miles and miles apart because of that really ripping apart I suppose of that cord, it's like the umbilical cord was cut. That's it. It's shocking and horrible.

When I met Pam I knew she was my daughter, I knew in here. [Carol gestures towards her stomach] I mean like there was this lump, that intuitively I knew she was my child but I didn't know her in the sense of what kind of person she was. We talked for a long time, I identify really closely with her. . . . Yes, so that, you do need to reclaim what's been lost but sometimes it's quite traumatic and difficult overcoming what you haven't had.

[Their reunion]

I think that has been the most, single most . . . important event in twenty years. I wrote, we corresponded for about six months, as she was living in Dunedin and I was here and I had to run a seminar in Dunedin in September 1988 . . . my parents were overseas at that time which was partly why I chose that because I, because they'd not been supportive. I wanted to do it while they were there and the seminar. There's a whole day of the seminar now I don't have any recollection of. I stayed with my oldest friend who's the only person who knew and I got home at seven o'clock from this seminar, she was coming to see me at half past seven . . . just nightmarish wait and looking out the window and seeing other people go by; "is this her is this her and is this her?" and finally this pair of jeans walked up the drive and the doorbell rang. And Phyll and I, I said, "I want to answer it", and Phyll said, "OK." So I opened the door and there was this young woman and I couldn't speak, I couldn't say, I couldn't speak and my head was saying "she doesn't know whether this is me or Phyll's me, she doesn't know who I am say something!" So she said, "hello I'm Pam", and I was thinking and I finally I said, "oh hi I'm Carol, come in welcome." So she came in and Phyll and I took her through, we went through to another room and Phyll disappeared and I said and we spent the next four hours talking and I knew I had a sense she would ask me some very difficult questions and she did. She asked me about adoption she asked me about abortion, she asked me all sorts, she asked me how difficult the birth was she asked me and kept asking me! Came back to the one about abortion several times because if I'd had an abortion she wouldn't be alive and that has an affect on my view of abortion, because although I support abortion knowing her I couldn't bear not. . . . 'cause she's lovely. All these mixed messages that were very painful. . . .

. . . Probably I couldn'd have an abortion but I would advocate for other women who wanted or needed one because I think you need to have the choice. It's actually a very difficult issue . . . because of all the difficulties that it would be easier to have an abortion but when you meet who it is who might have been aborted. . .

. . . I'm very angry, very angry still very angry about the denial and the mistreatment of women, really angry at that. The changes today are quite constructive I think . . . it's really important for both or all parties to meet if it's possible . . . for any child to know their backgrounds. . . .

What really happened is, I've been up in Christchurch six years and the issues at Polytech . . . to do with my rape and a whole series of other things, I ended up one day breaking down because I'd I had kept it. . . . So I, I denied it to myself as much to anyone. So I cracked up . . . totally so I went to see Jenny Rockel. . . . She's written a book, co-authored a book, . . . and the process started then, really. I had quite a long time of work with her because I was very, a lot of that stuff was really repressed and I had massive difficulty with my anger. I used to

get stuck in a lot and I just learned to deal with it. So as a result of working with Jenny who at that time was working on the adoption book, place in social welfare, I wrote a letter to Pam through Social Welfare. I was really too scared to and the fear was that I had rejected her and that she wouldn't want to meet me . . . That was perhaps the most powerful reason for her not wanting to know me because of what I had done but in fact I learned that it wasn't what I did it was the result of circumstances.

So I felt like a really terrible parent because it's like when you do something like that, give up a child it's like denying that. . . womanhood is supposed to be about. So I overcompensated.

. . . A colleague of a friend of here, who, she can't find her son . . . but it's always been open in her family that she did have another, that she did have a child adopted out. That it wasn't a lie. So it was maybe four years ago that I talked with Becky [C's younger daughter] that this is what had happened to make it part of my reality, because it wasn't!

Telling them was quite hard. Their reactions were interesting but it was with Becky in particular a tendency not to want to know what had happened. It makes me different and not the same. It helped her understand some of the things that have happened to me as an adult but there's still this resistance to wanting to meet Pam. She's met her, they have met . . . and Pam has her own resistance to coming here because of what happened. So that there's like Beck and Pam with me in the middle wanting us all to have a relationship that can be loving. So my need was to form a bond with Pam by herself, that I got to know her without the anger that . . . and we've done that but it's now like it's inner space will have to change. I've built that bond, we've got a lovely bond and that won't break so the next move is to make some changes with Beck. I don't know how to do that.

. . . she [B] does see that but her father has remarried and has two other children so that she feels displaced in his family too and I see that. I also see that Pam has had a whole history of rejection, starting with me, which for whatever the reason it is a rejection, and her own adoptive family weren't able to be nurturing. Her mother, her adoptive mother was adopted herself . . . until she was nine so there was a lot of emotional scarring for her. So Pam's got a history of rejection, I've got a history of rejection, I've probably passed some of that on to Beck. So there's in dealing with all of those issues . . . and Pam has needed, I think, a time to integrate who I am and what I stand for. She's made huge changes in this last year, in, in her own identity, huge changes.

. . . Because I think one of the things that is most powerful is how strongly I felt and in order to cope with the strength of the feelings, I actually had to deny, for my own protection a lot.

. . . I mean I didn't realise how powerful it was . . . to

acknowledge that I did have a child because my other family had to know. . . . When she came to visit I asked her again, and Becky said OK . . . she said "I'm not staying", so she left and I was so distraught it was actually one of the only times I've been uncontrollably out of control. I couldn't stop sobbing, I couldn't speak. I had to phone a friend and in fact couldn't pick up the phone to talk to her. I was so distraught I couldn't talk. . . . It's just, what I'm saying is I couldn't believe how crucially important it was to have the two children I'd had as, lived with, accept that I have another who is equally important, but I haven't been able to

She asked me detailed questions about her birth and of course would have a medical perception of it as well. . . . She validates my experience really. She tries really, really hard to get it right, she doesn't need to 'cause I'm going to love her anyway. . . .

. . . As I've been able to open up and, and explore it it's done some amazingly wonderful things, you know, I've become much more real and not defensive, because I think . . . I've hidden things, I've had to have defenses up so people don't find out what is underneath, but that's gone. My friendships have changed and with women particularly, . . . wonderful, absolutely wonderful . . . and they do understand a lot of that, particularly giving up a child, which I think personally, is one of the worst punishments you could give anybody.

I think that my history, my family background, my father has had, had, a whole lot of issues about his own sexuality and as a consequence, me as the first and only daughter and my growing sexuality as a teenager had horrendously difficult issues. So that punishment for having any form of sex is rape and your child taken, that's the worst punishment, that is punishment, that's what you deserve because that's what you've done. That's the message. And I take that directly from my father's attitudes, . . .

Part of the powerlessness I felt, to be in control of my own life that's, I still have difficulty coping with that, because I have a lot of power over what I do now . . . validation as a person.

And I think, I think I'm a long way down the track to accepting that what happened, happened and that I change it where I can and when I'm ready. It's like the getting to know Pam has a whole process of its own and it seems to me that it has to take its own course.

. . . I think that Pam and I have always taken [it] slowly. That we always both knew that we wanted the relationship to last. . . . It doesn't always happen and we have taken it slowly and we do talk about some very, I suppose, very intimate . . . and then as a result of that bond between she and I both of us have got consequences for the rest of our lives. Like there's her family in Auckland that she needs to integrate in a different way. She's felt really confused, "but they're my family, you're not my

mother, she's my mother, that's my primary, that's who I'm loyal to", but she has these really strong feelings for me and I think she's felt really confused about that and I've been trying to fit her in with my family. . . . But she's been saying I'm not ready yet I'm not ready yet, wait. . . .

In some ways for me it's really important to be able to talk about it because it validates it because it did. The repression and the secrecy. Sometimes it's not relevant to talk about it, it was for a while I had to talk about it all the time but each time I deal with it stirs or it clarifies or it validates again the experience, that it really did happen.

I do still tend to put things away. Because I do still have a life to get on with. But on the other hand there are times when something comes up to the front and I have to deal with it and then if it becomes that important then I just deal with it.

. . . There was a time when I was ambivalent, I would never have regretted it, I would never do that but I was really, really scared . . . and that's the same I guess and what I felt I had to do and, and the other aspect of that and my other huge fear was that she, because of the rejection she would have become a delinquent, on drugs or not fitting in the system and actually having . . . but she doesn't, she's lovely. . . .

It's good for me to talk about it, I sense this resistance in me, although I'm talking quite easily there's all sorts of things going round in my stomach as I'm talking which says this is still a really powerful issue.

[About Pam's birth father.]

I gave Pam his name and Phyll and I decided he must still live in Dunedin because we knew him and we looked up his address. So she has actually met him but that was quite traumatic for her, awful, . . . And I had huge resistance I, I mean my head said she needs to know who he is if it's possible. . . . And I've got really, have had really bad feelings about him but funnily enough those rage feelings seem to have eased. It's like I can say well it's happened, whereas I just couldn't . . . for a long time. . . . But I think I've shifted and that's partly through meeting Pam.

Yes, I think I had, I think, I must have had a really negative view of him and this rape this rape occurred and it has had this trail of events; a birth, an adoption, a marriage that didn't work out and a whole a whole series of things I could trace right back to there. I was wanting to put blame, a huge amount of blame, but as I come to terms with it, and looked at it, yes in context, . . . And it actually isn't the fault of the system per se, that event happened, social, family dynamics and my own personal coping that all fit to being well this is how it panned out.

Pam contacted him and she told me and his wife didn't know anything about it so I would imagine it's created it's own trauma for their marriage. What happened is she wrote to him he

actually called in to her flat without phoning or acknowledging or anything just called into her flat. She was out in fact she was just left a message that he called in so she met him that way quite without any preparation. He came back the next day and spent some time with her. The following day he brought back his wife who he have just told and the following day after that he invited them all round to Pam out to . . . so she's had like four days of it and then she hasn't seen him again . . .

She was very traumatised by that because just after she'd done that she came through Christchurch . . . and I couldn't cope with it either I had this massive rage against him. How could he just walk into her life and do all that.

Brenda
Son born 1971

It was beginning to be accepted by society the late sixties . . . and the 1970s. . . . People looked at you twice but it wasn't so much condemnation as perhaps there might have been ten years previously. There would have been I mean you would have been sent away. . . . My mother told me--I went round with a group of girls at school in the top class--"you make sure and tell your friends that we're not going to send you away." It was very important to her.

He was my . . . first serious boyfriend . . . he wanted to get married.

. . . He was always . . . there for me. He gave me the money to buy the things I needed like nappies blankets and stuff for the baby to wear when he was in hospital. . . and I wouldn't marry him. So he was, his parents were very supportive after the initial shock and horror. I was proud of being pregnant. It was the ultimate rebellion you know it was the worst thing you could possibly do. I think it still is.

Actually my whole family was really supportive that Christmas. I guess there was some "we feel sorry for you" 'cause her [B's] mother died. And they were good at school . . . our senior mistress . . . was quite supportive, she was once you had told her. . . . I remember squeezing myself into my roll on to flatten my stomach so that I could get my uniform on.

I'm really emotional about it all I was just so upset because the first thing practically they told me was that I wasn't going to be allowed to see Charlie anymore so that was really horrible. I can remember just locking myself in the bathroom crying and screaming . . . I can remember telling how I told the girls at school, you haven't screwed disgusting breasts developing and all that and we were talking about that and I said well soon mine are going to be bigger than any of yours because I'm going to have a baby. They were really, they were really supportive . . . but the silly thing was--I didn't find it out until our school reunion--is that once I was actually in hospital they were banned for coming to see me. One of them did, one of them . . . told me that they were told they weren't supposed to see me. Was I going to corrupt them somehow? I don't know. But . . . I didn't actually realise that. That seemed cruel. It's so bloody stupid I mean what harm? I would have loved them to come up, it would have been, would have been really great.

It was almost like playing in a way. It, it didn't somehow seem real, . . . And I can remember the nurses gave another mother and I the wrong babies and I, I was mortified because I . . . I had a feeling it wasn't; the eyebrows didn't look the same and I didn't want to say anything because surely they don't make mistakes and once they'd realised what had happened I thought "what a terrible mother I am not knowing my own child." . . . and then having an episiotomy without an anaesthetic you were in amongst all this general pain and this pushing this sharp! "Just a little cut dear", . . . those stitches were so painful. I couldn't sit down, lie on my back, walk properly, it was just so painful. . . I was so scared that I was going to look different,

have scar tissue. . .

[on options apart from adoption]

There were no other options apart from marriage.

Yes, you were still a child yourself at sixteen . . . my boyfriend didn't want Daniel to be adopted. . . . It was horrible, Charlie saying that "I won't have, no what right have you got to give our child away?" and my father and other people saying "it's the best thing you've got to do it." In some ways it was the pragmatic thing to do there were no other options and yet it's so unfair, cruel . . .

And yet I felt as if some how I was failing by not sticking, you know, keeping the child . . .

I, I went to . . . Teachers College and . . . I met this one woman in my class who had brought up a child on her own and I . . . felt such a failure that I made that decision or I had it made for me not to keep him There wasn't much choice.

No, . . . I didn't want to have him . . . I wanted to keep him inside all the time.

[in the hospital the women were called Mrs]

We were called "Mrs". You weren't called Miss, everybody was called Mrs. There were two unmarried mothers one of whom also put her baby up for adoption. The other one who was raped kept the baby.

I didn't even go through lawyers it was all done through Social Welfare.

I stayed in hospital ten days and after that I was supposed to register "You haven't registered this child you must go and do it!" Then a few days later . . . "You're very lucky dear, little boys are hard to place." I was privileged because they had chosen him. . . . I felt really chuffed, you know, they had chosen my son but you know patronising tone, "your'e lucky dear". . . . It's all so vague. I remember they--with Shona that's my friend-- . . . Social Welfare and . . . she told me, I think that I had to register the baby and that I wouldn't know who adopted him. Basically that was all. I can't remember details about that. I was told that was what would happen. "Dear, that's the best thing for you dear."

[who made the decision to have your child adopted out?]

Everybody around me. I, I was I was only sixteen and I wanted not to be tied to a marriage. I wanted to go to Teachers' College, to University, I wanted to do all that. I didn't want to be tied down so I had the idea if my mother was still alive she would have looked after him, that was the idea at the beginning. That all fell through. I, I guess I brainwashed myself into thinking that it was going to be the best thing for the child if I gave him up for adoption. I brainwashed myself in to thinking that.

[the birth]

My dad took me in. . . . I got home and my waters broke all over the wash house floor. "Dad! Dad!" Poor dad. I don't know what

he did . . . I don't remember from that time until actually arriving at the hospital. . . . I was really scared, I was really, really scared of giving birth, . . . I used to lay awake at night . . . really frightened because I didn't know. I mean they told you in the ante-natal classes what to expect [but] I just had no idea. I don't think anybody can explain to another first-time-rounder what it's going to be like. I'm, now I've heard other women say that but you know I just can't explain it and be told that you'd never know and I was just so worried . . . frightened and how am I going to know when the baby was ready. When I first felt it kick it worried me, I was frightened I was just frightened and then I wasn't sure if what I felt was what I was meant to feel. . . . And on top of that not actually wanting to give birth not wanting him ever, ever to leave me.

. . . you go through everything else that women go through and you go through all the pain of giving birth and fucking stitches that make it so uncomfortable that you can't sit down and you go through all that and at Essex you . . . fed your child and well that was all you did but that was all the other mothers did as well you were treated as . . . a Mrs but as you know you had contact with your child so for ten days you were allowed to feed [him] . . . I unwrapped him once just to see he was complete. I just love him, you loved him for ten and your'e nursing him and feeding him just bottle feeding there's a bonding that goes on. And then the bond has to be broken and it's supposed to be I don't think it ever is because your first born is your most important child and this is the sign that you are a fertile, fertile woman you know who's capable of reproducing you can do the ultimate thing that woman was made to do, you know, you are capable of doing it. Therefore the first child is so important. And then nothing it just goes.

[the pregnancy]

Feeling . . . so uncomfortable lie on my front. He gave me a lovely ledge to put my cups of tea on. I used, I had to do all the shopping and cooking and things and going out with this great boxful of groceries and coming home with it resting on my stomach, it was a very useful piece of my body. And watching with amazement as my stomach as my tummy button . . . the most amazing thing to watch as it slowly popped out and how tired I was. . . . Coming home from school and just sitting in front of the fire going to sleep before tea--this was while mum was still alive that was when I was just early pregnant-- . . . I was so tired. . . .

I went back to school, it was so stupid I had a baby I mean that was all, I hadn't had a major heart attack or anything and it was though I was--I left school in March-- . . . I did try and do correspondence school for the first couple of months and there was a big field trip on a seventh form field trip. I wasn't allowed to go because I had just had a baby and I missed out on that, . . . I might have stayed on at school if I'd gone that trip and just got back into contact with everybody but I just felt so different. I felt older and wiser and just so different. A couple of my girlfriends had left and I . . . stuck with it for a couple of months. . . . left Teachers College the year after that . . . then I got my job that I'm in now and . . . perhaps if

I'd kept him Twenty-twenty hindsight it's called. Oh yes.

And what really interests me now is the methods of you know the circumstances under which you give birth and how the medical profession is still trying desperately to control the circumstances in which children are born. That really made me wild when they came down on that woman up north who had given birth at home because she wanted to with her man helping and in a perfectly normal natural healthy way and then the state coming shjunk on top of her I couldn't believe that all these doctors up in arms!

That's why there are you know invitro fertilisation clinics and test tube babies there is still this pressure for women to reproduce

There's there's still you know on the one hand there is this pressure to reproduce to carry on the family line and on the other hand it's got to be done legitimately

[on midwives]

I know, it's so sad. I mean, that was how babies were born, until the doctors took over. I mean that was that was perfectly normal you were put with the midwife. . . . Admittedly there were a lot of deaths but a normal healthy pregnancy? For Gods sake.

He's got control, he's got control, they've got control. I can remember wanting to bear down pushing, "no dear it's not time, you know you mustn't do this", and they tell you, "you know that your'e not supposed to push now". God they even tell you what to do and your'e not allowed to do that you know I knew what was going on. I may only have been 17 but God I knew what was happening inside my body. And the stupid things you know like being shaved and enemas shoved up your bottom it was so degrading really. Women will tell you, you know once you've had a baby your'e not scared to have anyone see your body again because it is just so I don't know . . . a whole night and the whole day I'll never ever, ever forget it.

. . . you forget all about it and go on with carry on with your life and not think you know forget it all. . . . you're feeling . . . which I found really hard especially if you were married, I'd always remember Dan's birthdays or I tried to remember Danny's birthday, I actually got the date wrong. It wasn't until I wrote the letter to Social Welfare/Services that I found that it's actually on St Patricks Day. . . . He [Charlie] . . . would always say please don't talk about it I, I don't like talking about it. It really hurt him but I you know my feelings didn't matter I was supposed to just bury them.

. . . I dream about Danny, I dream about him a lot. . . . I was going through some papers in a draw and there was this baby in the draw it was the most peculiar dream and I couldn't put it down and I even now I can remember how it felt to hold this naked child against my naked skin and how wonderful it was. When I found out my ex husband's wife was having a baby I just terrible feeling of hurt that it wasn't me that and I desperately needed

and desperately wanted to have a baby. Now the, the feeling I don't think I will but just sometimes the feeling is just so overwhelming to want to have a child . . . time perhaps is running out. . . I share in bringing up my sister's three boys, so I'm not totally isolated from babies. . . . When they stay with me they call me mum accidentally which is really lovely. Several years ago an adopted boy in Southland killed his mother, shot his mother and I was always too scared to find out more information in case it was him. I had the feeling that the ages weren't quite right they were a year out . . . that frightened me.

The not knowing, is he alive still . . . is he dead, is he married? I could be a grandmother, all that. Are his parents still together. . . all that.

. . . next year he's twenty . . . I work at a pharmacy we had the pamphlet we had the pamphlets and everything and I read them but I've forgotten all I know it that you are entitled to a lot more information.

I wrote to him. I went to Social Welfare the year before last . . . if he ever wanted to find me that I was there. . . . and they gave me a letter full of information. Where he was adopted and that he was a normal and healthy child until the age of two. See I didn't know that until the age of two you had the right to say I want him back.

Yes I'd really like to get in touch with my son. . . . My ex husband's new wife has just had a baby so that's a little half brother and there are lots of cousins, my ex husband's parents are still alive so he's got grandparents, aunts and uncles. . . and there's a lot there's a history of heart problems on my ex husband's side and his parents . . . and his sister's had a few problems so there's that history background.

And I wonder. . . . I'm absolutely positive I'll see him. . . . What does he look like, will I like him?

APPENDIX C²

EXPLANATORY NOTE

Within the literature on adoption, women who have had a child adopted are designated by a variety of parental adjectives. Some examples of these are;

" "First mother," "original mother," "natural mother," "blood mother," "physical mother," "other mother," "true mother," "relinquishing mother," "real mother," "genetic mother," "biological mother," " " (Brieland, 1965, Yellolly, 1965; Rowe, 1966; Cox, 1967; Patton, 1968; Offord, 1969; Dalsheimer, 1973; Tizard and Rees, 1974; Cadoret et al, 1976; Anderson, 1977; Picton, 1980)

Other publications deny these women the title of "mother" and label them;

" 'conceiver," [sic] "the other woman," "the other lady" " (Leshan and Rabinow, 1956; Littner, 1956; Carson, 1961; Tec, 1967; McWhinne, 1970)

In an attempt to use a term that would be inoffensive, both to the women concerned and the adoptive parents, Sorosky, Baran and Pannor (1978) proposed the qualifier "birth" as being the best compromise and the most accurate. Since their terms;

" "birth mother," "birth father," "birth parents," "birth family" "

are now commonly used in recent adoption literature, and are the preferred titles of the two adoption organisations involved in this study, I will also use them.

²Reproduced from Leigh Langridge, "Adoption: The birth mother's experience."

APPENDIX D³

"New Zealand's first adoption legislation was passed in 1881, and at that time it was a very progressive and forward-thinking measure that was designed to give some security to the adoptive parent and the child. Until then adoptions had been informal, and no limitation was placed on access to birth records because the first statute did not deem that to be at all desirable or necessary. In 1915 legislation was passed that provided for a new birth certificate to be made out for the adoptee. Mr Lee, the member for Oamaru at the time, is quoted in *Hansard* as saying that, when adopted these children become for all purposes at law the legal children of the adopting parents and take the name of the adopting parents, but that the birth registration is not altered in any way. That anomaly was what that legislation sought to remedy.

In 1924 an amendment was passed to tighten up the provisions for obtaining an original birth certificate. The parliamentary debate provides no indication of the thinking behind the moves as they might have affected the child when that child reached adulthood. In 1951 a bigger change was made to the Births and Deaths Registration Act. The restriction on obtaining the original birth certificates was extended by that legislation to cover inspection of the record. The 1955 Adoption Act was a major change to the legislation. It allowed a birth parent to give consent without knowing the identity of the adoptive parents. Furthermore, and more significantly section 23 limited access to what were described as the adoption records. I have looked through the *Hansard* record of the debate, and find it difficult to see any rationale at all for this proposal. Again, the emphasis was overwhelmingly on the protection of the privacy of the adoptee. No one mentioned the ramifications of the provision in section 23. Apparently it did not occur to anyone that in future it could inhibit an adoptee from seeking details of his or her identity. Members did wax fairly lyrical about the need to stamp out the selling of babies, which [sic] apparently was a practice in those days. Dame Hilda Ross and a number of other members made fine speeches on that principle.

The 1961 amendment to the Births and Deaths Registration Act changed the birth certificate process again so that the certificate of the adoptee would not be any different from certificates of birth children in a family. I want to quote from the *Hansard* record of the day, because what it does not tell us is very important. The Minister of Justice at the time, the Hon. J. R. Hanan, said that the difference in birth certificates of adopted children and other children was contrary to the one important principle of the Adoption Act, which was that the child should be assimilated into the adoptive family to the fullest extent possible. He then went on to describe the legislation as liberal and progressive. Clearly, once again there was no thinking about the possible problems for the child in the

³Reproduced from the *NZPD*, vol. 463, (1985), cols 6133-6135. Fran Wilde speaking on the Adoption Bill.

strenuous efforts made by the House to protect that child's privacy.

The final change, and the one that almost totally closed off the option of obtaining information and thus self-knowledge, came as late as 1969, when the Births and Deaths Registration Act was again amended to prevent the Registrar-General from releasing information if to do so would contravene the provisions of section 23 of the Adoption Act. Again, *Hansard* shows that the reasons were not clear, and I believe that the consequences were not thought through by the politicians of the day. What is clear, however, is that all these changes, without exception, were designed to protect what were perceived to be the best interests of the child. Parliament was trying to shield individuals from the snooping of other member of the public who were not, as was stated, party to the procedure, and thus protect adoptees from the social stigma of illegitimacy.

The farcical, and, indeed, tragic, feature of the present legislation is that for the past 5 or 10 years the trend has been towards more and more open adoption. The present practice is the very antithesis of the secrecy that the law demands. It has been suggested that by passing this Bill we will somehow be party to a breach of contract between the State and adoptive parents. That is an issue that must be addressed. Those who advance that argument ignore the fact that the adoption agreement does not usually require the consent of the adoptee. How can the 10-day-old baby or the 1-year-old baby be seen to be bound for ever more by a scrap of paper signed by a birth parent and two adoptive parents--a scrap of paper that signs away that baby's personal identity and history? Undoubtedly the birth parents and the adoptive parents are making that agreement with the best possible motives; they want to help the baby in the best way they can. However, an agreement of this type is quite different from contract, which is usually a function of the law of property. We no longer accept that people have the power to buy and sell other individuals, and we cannot apply contractual principles to the adoption agreement.

It is interesting to note that when speaking to the 1955 amendment the Minister of Justice at the time, the Hon. J. R. Marshall, said that secrecy was not compulsory but was in the interests of the child. However, what has happened over the years is that secrecy, which was not meant to be compulsory, has through use and interpretation become just that. The contract theory in reverse would be that when the law was changed to tighten up access to records that change breached agreements made years previously by adoptive and birth parents who knew that those children would be able at any time to ask to see their birth certificates. The contract argument is most often advanced by people who see themselves as advocates for birth mothers.

The belief that most birth mothers do not want contact to be made with their children is not borne out by the facts. It is fair to say that most birth mothers over the past 30 years would have had some understanding that secrecy was a precondition to the adoption taking place. I ask members to think about the social circumstances of that time. Those women gave birth at a time when society was fairly narrow and judgmental, and when no support was available for unmarried mothers. They wanted to do

the very best for their children. They were in a vulnerable and very unequal position in terms of the power relationship with the authorities. Most of them readily agreed to adoption. They readily agreed to secrecy, and they bought the line that a clean start was best for them and the child, and that total anonymity and total integration into the adoptive family were the objectives. In many cases a child would not know that he or she had been adopted. The social attitudes that led to the denial of extramarital pregnancies were blind to the fact that, while nurture plays a role in development, nature provides the raw material. Those same attitudes, with apparently little understanding of human emotional responses to significant and traumatic life events, gave us the law that we have today.

Giving birth is certainly one of the most significant and traumatic events in the life of a woman. Mothers do not forget their birth children. I read a paragraph from a submission to the select committee from the Catholic Social Services: "For many birth parents, especially women, the experience of giving a child for adoption is one involving not only much loss, grief, and pain, but is also often fraught with feelings of guilt and shame which significantly affect them for the rest of their lives. Many of the birth mothers we have approached tell us that, despite longing to know the outcome of the placement, they would not have been able to make the first approach, often for fear of rejection. We find a common theme to be a locking away of the loving, trusting part of themselves after the event." It is significant that research, both in New Zealand and overseas, indicates that mothers overwhelmingly want contact, or sometimes just information. That is also borne out by the experience of countries where the adoption laws have been changed.

Another part of the triangle is, of course, the adoptive parent. I do not want to dismiss the adoptive parents' role lightly. I became interested in the issue because I am an adoptive parent. I cannot understand how a parent who has raised a child, and shared its growing pains, its delights, its sorrows, and given it love, shelter, and care, could then deny access to information about that child's significant, basic, essential being. I repeat what I said in an earlier debate: "Our children are not our property."

The third party in the triangle is, of course, the most important, and the one who will benefit most from this legislation--the adoptee. The right to know one's origins must surely be a basic human right. It is certainly felt by an increasing number of people. The Department of Social Welfare has noted a dramatic increase in inquiries in the past few years. I do not now what to say about that, because it seems so self-evident that people would want to know who they are. Therefore there is no need to go through those details for members. All people are curious about their origins. We are encouraged to be. In our multicultural society there are some cultures that place even greater emphasis on the continuity of the generations. An individual's genealogy is critical to his or her identity. I have become more aware of that since our family has had a Maori child as one of our sons.

Evidence gathered from within New Zealand and elsewhere is overwhelmingly in favour of the Bill, and of helping adoptees,

in particular. When changes in legislation have occurred they have not been abused, and we would be very foolish to ignore the experiences of others. The Bill provides a veto mechanism that applies to both parents and adoptees, but in all likelihood it would be used mainly by birth parents. The veto enable them to endorse the original birth certificate to prevent identifying information from being given for a period of 10 years after the endorsement, when it must be renewed. It is an unusual procedure, and one worked out by the Minister of Broadcasting in an attempt to provide for the concerns of those who defend the anonymity of he birth parents. Other Legislatures have chosen not to incorporate such a measure, and I admit that I have not seen evidence of tragedy or unnecessary hurt because they did not have it. I know that some members have discussed the possibility of putting forward an amendment to eliminate the veto, and they may want to elaborate on that possibility in the debate. The veto will certainly act as a safeguard.

.....
 Adopted families are different from birth families. There is no difference in the quality of love or affection, but a denial of the difference that spring from genetic structure is absurd. it is just as absurd to deny the feeling that any person has to be able to place herself or himself in the context of a physical continuity of existence. The longings of adopted people are not necessarily the longings of people who are insecure. They simply want to know who they are. The present adoption law perpetuates a legal fiction that does untold damage to the lives of thousand of adopted people. . . ."

APPENDIX E⁴

It would seem necessary for legislation to give the court some guidance as to the court's powers if a party seeks the court's assistance. Any legislation could also make it quite clear that enforcement does not affect the custody of the child. Accordingly, we set out below a draft legislative provision for discussion purposes:

Draft Provision for discussion

(1) Subject to the provisions of this Act, an adoption order may make provision for contact between the child and one or more of the child's natural parents or other natural relatives following the making of the adoption order. Such contact may include, but is not limited to, the exchange of information between the child and the child's natural parents or natural relatives, and visits by the natural parents or other natural relatives to the home of the adoptive parents.

(2) Provision for contact in accordance with subsection (1) is to be based on a written agreement signed by the prospective adoptive parents and the natural parents or natural relative:

Provided that the court shall not make an adoption order with provision for contact without considering a report from a social worker on the contents of the agreement.

(3) Any agreement for future contact shall include the parties' names and addresses and their relationship to the child, the form the contact is to take, and a provision to the effect that the enforcement of the agreement does not affect the validity of the adoption order.

(4) If there is any dispute on any matter relating to an agreement for future contact, any of the parties to the agreement may apply to the court for directions. On such an application the court shall be empowered to issue directions as to the obligations of any one or more of the parties to the agreement or to vary any or all of the provisions of the agreement.

⁴Reproduced from Review of Adoption Act 1955 by an Interdepartmental Working Party, 40-41.

BIBLIOGRAPHY

- Abernathy, Seonard. "The Nuclear Family is Compulsory."
Broadsheet 4, no. 1 (July 1986): 15-17.
- Adoption Act 1955, a review by an interdepartmental working party: proposals for discussion. Department of Justice, 1987.
- Adoption Act Wellington: Government Printer, 1955.
- Adoption Regulations 1956. 1956/169
- Adoption Regulations 1956. 1950/109
- Adoption Regulations 1956. 1956/169
- Adoption Regulations 1959. Amendment Number 1 1962/91
- Adoption Act (with Amendments incorporated). Reprinted as on 1 January 1979.
- Adoption Regulations 1959. Amendment Number 2 1980/93
- Adoption Regulations 1959. Amendment Number 5 1987/48
- Adoption Amendment 1987/19
- Adult adoption information act 1985: *Your Rights*. Wellington: Department of Social Welfare, 1985.
- Adult Adoption Information Analysis 1985/127
- Adult Adoption Information (Fees) Regulations 1988/75
- Anderson, Carole, Lee Campbell and Mary Anne Cohen. "Adoption Abuse." Reprinted from *Womenwise* 5, no. 3 (Fall 1983).
- Argent, Heidi. ed. *Keeping the doors open: a review of post adoption services*. London: British Agencies for Adoption and Fostering, 1988.
- Arms, Suzanne. *To love and let go*. 1st ed. Knopf: Distributed by Random House, 1983.
- Association of British Adoption and Fostering Agencies. *Child adoption: a selection of articles on adoption theory and practice*. Association of British Adoption and Fostering Agencies. The Association, 1979.
- Auckland Sunday Star. 13 May 1990.
- Austin, Jenni. "Children caught in a tug of love." *New Zealand Womans Weekly* (7 November 1988): 20-22.

- _____. "Jon was nobody's child-: children need to belong somewhere: A special foster-mum-to special children." *New Zealand Womans Weekly* (22 August 1988): 20-23.
- Barnes, M.T. "Issues in contraception for the young." M.A. thesis in Psychology, University of Otago, 1983.
- Bean, Philip. ed. *Adoption: essays in social policy, law, and sociology*. London; New York: Tavistock, 1984.
- Bean, Philip and Joy Melville. *Lost children of the Empire*. Unwin Hyman, 1989.
- Beckingham, B. 'What shall I do?'--the unmarried mother's decision. Auckland: Auckland Branch of the Society for Research on Women in New Zealand, 1977.
- _____. "'What shall I do?': the unmarried mother's decision." *New Zealand Social Work* 1, no. 2 (September 1977): 18-19. Report on initial survey.
- _____. 'What I did': a follow-up study of the unmarried mother, her decision and its effect on her life ten months after the birth of her baby. Auckland: Auckland Branch of the Society for Research on Women in New Zealand, 1979.
- Benet, Mary Kathleen. *The politics of adoption*. London: Johnathan Cape, 1976.
- Bonham, Gordon Scott. "Who adopts?" *Journal of Marriage and the Family* 39, no. 2 (1977): 295-306.
- Boston Women's Health Book Collective. *Our Bodies Ourselves*. 2nd ed. New York: Simon and Shuster, 1975.
- Bowlby, J., M.D. Ainsworth, M. Boston and D. Rosenbluth. "The effects of mother-child separation: A follow up study." *British Journal of Medical Psychology* 29 (1951): 211-247.
- Bowles, Gloria. "Is Women's Studies an academic discipline?" Chap. in *Theories of Women's Studies*, eds. Gloria Bowles and Renate Duelli Klein. London: Routledge and Kegan Paul, 1983.
- Bowman, Glenys. "A child with four parents." *New Zealand Womans Weekly* (22 December 1986): 46-48.
- _____. "I have to tell you--I'm your granddaughter." *New Zealand Womans Weekly* (1 August 1988): 20-21.
- Brebner, Cecilia M. *The role of infertility in adoption*. British Agencies for Adoption and fostering, 1985.
- Brennan, Deborah, and Carol O'Donnell. *Caring for Australia's children: Political and industrial issues in Child Care*

- Studies in Society*: 33. Series editor: Ronald Wild.
Sydney: Allen & Unwin, 1986.
- Bridge, Caroline, Susan Perry and G.W.K. Bridge. "Open adoption:
a multi-disciplinary view." *Family Law Bulletin* 19
(September 1985): 135-136.
- Brookes, Barbara. "Abortion politics." A review article.
Womens Studies Journal 4, no. 1 (September 1988): 88-96.
- Brookes, Barbara, Charlotte Macdonald and Margaret Tennant. eds.
Women in History: Essays on European women in New Zealand.
Wellington: Allen and Unwin, 1986.
- Brooks, Jocelyn, Kitty Tims, Lyn Dawson, Yvonne Hirst, May
McIntosh, Esther-Mary Penhale, Louise Routledge, Marjorie
Trim and Toni Church. *Ill conceived: Law and abortion
practice in New Zealand*. Dunedin: Caveman Press, 1981.
- Browne, Elspeth. "Abortion and adoption." *Australian Social
Work* 30, no. 1 (1977): 36-39.
- Bunch, Charlotte and Sandra Pollack. eds. *Learning our way:
Essays in feminist education*. N.Y.: The Crossing Press,
1983. Especially "Not by degrees: Feminist theory and
education." By Charlotte Bunch.
- Burton, Clare. *Subordination: Feminism and social theory*.
Sydney: George Allen and Unwin, 1985.
- Campbell, Ian D. *The law of adoption in New Zealand*.
Wellington: Butterworths, 1957. Also 2nd ed. 1957.
- _____. *Supplement to the Law of adoption in New Zealand*.
Wellington: Butterworths, 1965.
- Canape, Charlene. *Adoption: Parenthood without pregnancy*. 1st.
ed. n.p.,: H-Holt, 1986.
- Chambers, Len. "A reader's story: If only I'd known you, Mum."
New Zealand Womans Weekly (14 March 1988): 52-53.
- Chesler, Phyllis. *Sacred bond: Motherhood under siege,
surrogacy, adoption and custody*. Introduced by Ann Oakley.
London: Virago Press, 1990.
- Chodorow, Nancy. *The Reproduction of Mothering*. Berkeley:
University of California Press, 1978.
- Cleland, Alison. "Adoption." *Parents Centre Bulletin* 105
(Autumn 1986): 32-33.
- _____. "Issues of adoption." *Parents Centre Bulletin* 111
(Spring 1987): 4-6. Report of New Zealand's first national

adoption conference.

_____. "What's wrong with the act?" *Parents Centre Bulletin* 111 (Spring 1987): 8.

Coffey, Anna. "AID issues: Adoption and birth technology: New names, old issues." *Mental Health News* (July 1987): 6-8.

Cohen, Shari. *Coping with being adopted*. 1st ed. n.p.,: Rosen Pub. Group, 1988.

Cole, Janet. "Commissioning social history." *Broadsheet* 152 (October 1987): 34-35.

Colgan, A. and McGregor, J. *Sexual secrets: The New Zealand report on love and marriage*. Martin Borough: Alister Aylor, 1981.

Comer, Lee. *Wedlocked women*. Leeds: Feminist Books, 1974.

Concerned United Birthparents. *Choices, chances, changes: a guide to making an informed choice about your untimely pregnancy*. n.p.,: Concerned United Birthparents, 1981. Received in a personal communication.

Connell, R.W. *Gender and power*. Sydney: Allen & Unwin, 1987.

Contraception, Sterilisation and Abortion Act. Government Printer, Wellington, 1977.

Corcoran, Ann. "Adult Adoption Information Act." *Family Law Bulletin* 1 (July 1986): 71-72.

Corea, Gena. *The mother machine: Reproductive technologies from artificial insemination to artificial wombs*. London: The Women's Press, 1988.

Coveney, L., M. Jackson, S. Jeffreys, L. Kaye and P. Mahony. *The sexuality papers: Male sexuality and the social control of women*. London: Hutchinson, 1984.

Cox, Shelagh. ed. *Public and private worlds: Women in contemporary New Zealand*. Wellington: Allen and Unwin/Port Nicholson Press, 1987.

Crellin, Eileen, M.L. Kellmer Pringle and Patrick West. *Born illegitimate: Social and educational implications*. National Foundation for Educational Research in England and Wales, 1971.

Cunningham, Helen Antoinette. "Forgotten people--the natural parents of adopted children." M.A. thesis in Social Work, Victoria University of Wellington, 1979.

- Davies, Valerie. "Intimate strangers." *More* 60 (June 1988): 116-119.
- Department of Social Welfare, Research Station. "Early contact in adoption: Contact between birthmothers and adoptive parents at the time of and after the adoption: executive summary." *Mental Health News* (May/June 1988): 28-29.
- Department of Social Welfare. "Ex-nuptial children and their parents." *Research Monograph*. No.2. Wellington: Government Printer, 1976.
- Departmental Committee on the Adoption of Children, Sir W. Houghton Chairman. *Adoption of Children: Working Paper containing the provisional proposals of the Departmental Committee on the Adoption of Children appointed by the Secretary of State for the Home Department and the Secretary of State for Scotland*. London, Her Majesty's Stationery Office, 1970.
- Department of Justice. *Review of Adoption Act 1955 by an interdepartmental working party: proposals for discussion*. Department of Justice, 1987.
- Deveson, A. *Australians at risk*. Cassell Australia Ltd., Sydney, 1978.
- Dominick, Clare. *Early contact in adoption: Contact between birthmothers and adoptive parents at the time of and after adoption*. Wellington: Department of Social Welfare, 1988.
- Dunphy, Lynne. "Beating the Veto." *More* 77 (November 1989): 84-92.
- Duprau, Jeanne. *Adoption: The facts, feelings and issues of a double heritage*. New York: Messner, 1981.
- Easton, Barbara. "Feminism and the contemporary family." *Socialist Review* 8, no. 3 (May--June 1978): 11-36.
- Easton, Brian. *Social Policy and the Welfare State*. Auckland: George Allen and Unwin, 1980.
- Eissenstein, Zillah R. ed. *Capitalist patriarchy and the case for socialist feminism*. New York: Monthly Review Press, 1979.
- Else, Anne. "The perfect solution: Adoption law and practice in New Zealand." *International Journal of the Sociology of Law* 15 (1987): 237-257.
- _____. "'The need is ever present': The Motherhood of Man Movement and stranger adoption in New Zealand." *New Zealand Journal of History* 23, no. 1 (April 1989): 47-67.

- Else, Anne and Heather Roberts. eds. *A womans life: Writing by women about female experience in New Zealand*. Auckland: Penguin Books, 1989.
- Engels, Frederick. *The Origin of the Family, Private Property, and the State*. Introduced by Evelyn Reed. New York: Pathfinder Press, 1972. First published Zurich, 1884.
- Evans, Eric J. ed. *Social Policy, 1830-1914: Individualism, collectivism and the origins of the welfare state*. London: Routledge and Kegan Paul, 1978.
- Fenwick, P. "Fertility, sexuality and social control over women in New Zealand." Chap. in *Women in New Zealand Society*, eds. Phillida Bunkle and Beryl Hughes. Auckland: George Allen and Unwin, 1980.
- Ferguson, Ann. "Motherhood and sexuality: Some feminist questions." *Hypatia* 1, no. 2 (Fall 1986): 3-22.
- _____. *Blood at the Root: Motherhood, sexuality and male dominance*. London: Pandora Books, 1989.
- Fetsinger, Trudy. *Necessary risk: A study of adoptions and disrupted adoptions and disrupted adoption placements*. n.p.: Child Welfare League of America, 1986.
- Foucault, Michel. *The History of Sexuality. Volume I: An Introduction*. Translated from French by Robert Hurley. 1st American ed. New York: Pantheon Books, 1978.
- _____. *Discipline and Punish: The Birth of the Prison*. Translated by Alan Sheridan. New York: Pantheon, 1972.
- Fox, Greer Litton. "'Nice Girl': Social control of women through a value construct." *Signs* 2, no. 4 (Summer 1977): 805-817.
- Fraser, Ish. "Adoption: the requisition and dispensation of consent." LL.M. research paper, Victoria University of Wellington, 1986.
- Friedman, Helen L. "Why are they keeping their babies?" *Social Work* 20 (1975): 322-323.
- Gavron, Hannah. *The captive wife: Conflicts of housebound Mothers*. London: Routledge And Kegan Paul, 1966.
- Gill, Derek. *Illegitimacy, sexuality and the status of women*. Oxford: Basil Blackwell, 1977.

- Gill, Owen. *Adoption and race: Black, Asian, and Mixed Race children in White families*. London: Batsford Academic and Educational: New York, N.Y.: St. Martin's Press, 1983.
- Gilling, Marg. "Family." *The April Report: report of the Royal Commission on Social Policy*. Vol.4: social perspectives (Appendix to the Journal of the House of Representatives of New Zealand, 1988). Wellington: Royal Commission on Social Policy, 1988.
- Goldstein, Joseph, Anna Freud and Albert J. Solnit. *Beyond the best interests of the child*. New York: The Free Press, 1973.
- Gordon, A. "I want to find my mother." *New Zealand Womans Weekly* (29 October 1979): 4-6.
- Gould Davis, E.G. *The first sex*. N.Y.: Penguin Books Inc., 1972.
- Green, Linda Mary. *Adoption and fostering: A select annotated bibliography for adoptive and foster parents*. Wellington: Department of Social Welfare, 1979.
- Greenberg, Judith E. and Helen H. Carey. *Adopted*. Photographs by Barbara Dird. n.p.,: F. Watts, 1987.
- Griffith, Keith C. *Adoption: procedure, documentation, statistics: New Zealand, 1881-1981, 100 years*. Also Adult adoptee access to information. Victoria University of Wellington: Department of Sociology and Social Work, 1981.
- _____. *Adoption Court Records: Adoption Act 1955, Section 23: construction, cases, practice*. Wellington, N.Z.: K.C. Griffith, 1982.
- Grimshaw, Jean. *Philosophy and feminist thinking*. Minneapolis: University of Minnesota press, 1986.
- Gross, Barry R. *Discrimination in reverse: Is turnabout fair play?* Foreward by Sidney Hook. N.Y.: New York University Press, 1978.
- Grow, Lucille J. and Deborah Shapiro. *Transracial adoption today: Views of adoptive parents and social workers*. New York, Y.N.: Children's Bureau, Office of Child Development, United States Department of Health, Education and Welfare, 1975.
- Guerin, Louise. "The baby business." *Listener* 116, no. 2463 (9 May 1987): 19-21.
- Haimes, Erica and Noel Timms. *Adoption, identity and social policy: The search for distant relatives*. Aldershot,

- Hants.: Gower, 1985.
- Hallinan, Helen W. "Adoption for older children." *New Zealand Welfare Workers Bulletin* 2 (Spring 1953): 94-99.
- Hamilton, Janice. Review of Ann Howarth, *Reunion: Adoption and the search for birth origins*. Penguin, 1988. In *Broadsheet* 165 (January/February 1989): 35-6.
- Hansen, Neil T. "New Zealand adoption." In his *Guide to genealogical sources--Australia and New Zealand*. Melbourne: Church of Jesus Christ of Latter-Day Saints, 1962.
- Harding, Sandra. "Is there a feminist method?" Chap. in *Feminism and Methodology Social Science Issues*. ed. Sandra Harding. Indiana: Indiana University Press, 1987.
- Hartman, Ann. *Working with adoptive families beyond placement*. New York, N.Y.: Child Welfare League of America, 1984.
- Harvey, Ian J. *Research methods in adoption: Review, trends, implications and future needs*. North Ryde, N.S.W.: Macquarie University, School of Behavioural Sciences, 1978.
- Hercus, Ann. "The changing structure of the New Zealand family and implications for family policy." In *Papers of Women's Studies Association Conference*. Hilary Haines. ed. Christchurch: Women's Studies Association New Zealand, 1983.
- Hite, S. *'The Hite Report': A nationwide study of female sexuality*. N.Y.: Dell Publishing Co Inc., 1976.
- Hoksbergen, R.A.C. ed. *Adoption in worldwide perspective: A review of programs, policies, and legislation in 14 countries*. Swets North America Inc./Berwyn Swets and Zeitlinger B.R./Lisse, 1986.
- Horman, Elizabeth. *After the adoption*. n.p.,: F.H. Revell Co., 1987.
- Horsfield, Anne. *The economic position of women in New Zealand*. Wellington: Ministry of Women's Affairs, 1988.
- Houston, Stewart. ed. *Marriage and the family in New Zealand*. Wellington: Hicks Smith and Sons Ltd., 1970.
- Howarth, Ann. *Reunion: Adoption and the search for birth origins*. Auckland: Penguin, 1988.
- Humphrey, Michael. *The hostage seekers: A study of childless and adopting couples*. London: Longmans in association with the National Bureau for Co-operation in Child Care, 1969.
- Humphrey, Michael and Heather Humphrey. *Families with a*

- difference: *Varieties of surrogate parenthood*. London: Routledge, 1988.
- Hurst Committee Report. *Report of the Departmental Committee on the adoption of children*. London: Her Majesty's Stationery Office, 1972.
- "I think I may be you daughter." *Parents Centre Bulletin* 104 (Summer 1985): 16-17.
- Inglis, Brinsley D. "Adoption." In *Family Law*. 2nd ed. Wellington, Sweet and Maxwell, 1970.
- Inglis, Kate. *Living mistakes: Mothers who consented to adoption*. Sydney: George Allen and Unwin, 1984.
- Irvine, Denise. "Family ties." *Parents Centre Bulletin* 111 (Spring 1987): 6-7.
- Iwanek, Mary. *A study of open adoption placements*. Petone, New Zealand: Mary Iwanek, 1987.
- Jaffe, Frederick S., Barbara L. Lindheim and Philip R. Lee. *Abortion politics: Private morality and public policy*. New York: McGraw-Gill Book Company, 1981.
- Jaggar, Alison M. *Feminist politics and human nature*. Totowa, N.J.: Rowman and Allanheld, 1983.
- James, Bev and Kay Saville-Smith. *Critical issues in New Zealand Society: Gender, culture and power*. General eds. Steve Maharey and Paul Spoonley. Auckland: Oxford University Press, 1989.
- Jewett, Claudia L. *Adopting the older child*. Harvard, Mass.: The Harvard Common Press, 1978.
- Johnston, Iain. "Is adoption outmoded?" *Otago Law Review* 6, no. 1 (1985): 15-49.
- Jones, Maggie. *Everything you need to know about adoption*. London: Sheldon, 1987.
- Kedgley, Sue. *The sexual wilderness: Men and women in New Zealand*. Auckland: Reed Methuen, 1985.
- King, Michael. ed. *One of the boys? Changing views of masculinity in New Zealand*. Auckland: Heinemann, 1988.
- Kirk, H. David. *Shared fate*. New York: The Free Press, 1964.

- _____. *Adoptive kinship: A modern institution in need of reform*. Toronto: Butterworths, 1981.
- Klein, Carole. *The single parent experience*. New York: Walker and Co., 1973.
- Klein, Renate Duelli. "How to do what we want to do: thoughts about feminist methodology." Chap. in *Theories of Women's Studies*. eds. Gloria Bowles, and Renate Duelli Klein. London: Routledge and Kegan Paul, 1983.
- Koopman-Boyden, Peggy. *A Bibliography of the New Zealand family*. Christchurch: Department of Psychology and Sociology, University of Canterbury, 1975.
- _____. *Families in New Zealand society*. Wellington: Methuen, 1978.
- Koopman-Boyden, Peggy and Claudia Scott. *The family and Government policy in New Zealand*. Sydney: Allen and Unwin, 1984.
- Kornitzer, Margaret. *Adoption in the modern world*. London: Putnam, 1952.
- _____. *Adoption*. London: Putnam and Co., 1970.
- Lambert, Lydia. *Children in changing families: A study of adoption and illegitimacy*. London: Macmillan Press, 1980.
- Langridge, Leigh. "Adoption: The birth mother's experience." M.A. thesis in Psychology, University of Auckland, 1984.
- Leadbetter, Anna. "A private grief." *More* 53 (November 1987): 192-196.
- Levesque, Andree. "Prescribers and rebels: Attitudes to European women's sexuality in New Zealand, 1860-1916." Chap. in *Women in History: Essays on European Women in New Zealand*. eds. Barbara Brookes, Charlotte McDonald and Margaret Tennant, Wellington: Allen and Unwin, 1986.
- Levy, Frances. "Securing rights for birthmothers." *New Zealand Womans Weekly* (25 January 1988): 46.
- _____. "Adoption--solving the puzzle." *New Zealand Womans Weekly* (21 October 1985): 55-58.
- Lifton, Betty Jean. *Twice born: Memoirs of an adopted daughter*. New York: McGraw-Hill, 1975 (paperback--New York: Penguin Books, 1977).
- Lindsay, Jeanne Warren. *Open adoption: A caring option*. 1st ed.

Morning Glory Press, 1987.

Lovenduski, Joni and Joyce Outshoorn. eds. *The new politics of abortion*. London: Sage Publications, 1986.

Ludbrook, Robert. "Custodianship." *Childright*: 9-20. Received in a personal communication.

_____. *Adoption: Guide to law and practice*. New Zealand: GP Books, 1990.

Luker, Kristin. *Abortion and the politics of motherhood*. Berkeley: University of California Press, 1984.

McDonald, Charlotte. *A woman of good character: Single women as immigrant settlers in nineteenth century New Zealand*. Wellington: Allen and Unwin/Historical Branch, 1990.

McDonald, Dugald Jan. *Adults and adoption: A study of two groups of adults personally involved in adoption*. Christchurch: Social Work Unit, University of Canterbury, 1980.

_____. "The governing of children: Social policy for children and young persons in New Zealand, 1840-1982." Ph.D diss., in Sociology, University of Canterbury, 1988.

McKenzie, Lauren. "'David, our son--from Colombia.'" *New Zealand Womans Weekly* (2 January 1989): 14-15.

McKinlay, R. M. "Where would we be without them? Motherhood and self definition in New Zealand." Ph.D. diss., in Psychology, Victoria University of Wellington, 1984.

McNicholas, M. and J. Wheeler. "Privacy of the birth mother paramount." *New Zealand Womans Weekly* (12 December 1988): 4-6.

McRobbie, Angela. "The politics of feminist research: Between talk, text and action." *Feminist Review* 12 (1982): 46-57.

Malinowski, Bronislaw. *Sex and repression in savage society*. London: Humanities, 1927.

_____. *Sex, culture and myth*. New York: Harcourt, 1962.

Maori Women's Welfare League. "State wards and foster homes." Chap. in *Maori Women's Welfare League Conference Proceedings*. Wellington: Department of Social Welfare Library, 1952.

Margrain, Yvonne A. *Adopting in New Zealand: A select bibliographical guide for parents and for students of the New Zealand adoption process*. Wellington: Library School, 1971.

- Matthews, Jill Julius. *Good and mad women: The historical construction of femininity in twentieth-century Australia*. Sydney: George Allen and Unwin, 1984.
- May, Helen. "Motherhood in the 1950s: An experience of contradiction." Chap. in *Women and education in Aotearoa*. ed. Sue Middleton. Wellington: Allen and Unwin, 1988.
- Melina, Lois Ruskai. *Adoption: An annotated bibliography and guide*. Garland Pub., 1987.
- Menzies, Edith. "A reader's story: 'I want my real mother.'" *New Zealand Womans Weekly* (25 January 1988): 52-53.
- Middleton, Sue. ed. *Women and education in Aotearoa*. Wellington: Allen and Unwin, 1988.
- Mies, Maria. "Towards a methodology for feminist research." Chap. in *Theories of Women's Studies*, eds. Gloria Bowles and Renate Duelli Klein. London: Routledge and Kegan Paul, 1983.
- Millar, Megan Gillian. "The child representative: Definitions and suggested extensions of the role." LL.B. with Hons., University of Otago, 1985.
- Miller, Sue. *The good mother*. New York: Harper and Row, 1986.
- Millett, Kate. *Sexual politics*. London: Abacus/Sphere, 1972.
- Moi, Toril. *Sexual textual politics: Feminist literary theory*. London: Methuen, 1985.
- The National Council of Women of New Zealand. *Women and change: a study of New Zealand women*. Wellington: The National Council of Women, 1985.
- National Women's Advisory Council (Australia). *So much left undone*. Report to Commonwealth Government of Australia. Canberra: Canberra Publishing and Printing Co., 1983.
- Law Reform Divison, Department of Justice. *New birth technologies: An Issues Paper on AID, IVF, and surrogate motherhood*. Law Reform Division, Department of Justice, March 1985.
- New Zealand Department of Social Welfare. *Adopting a child*. Wellington: Department of Social Welfare, 1978.
- New Zealand Department of Statistics. *New Zealand Official Yearbook*. Vol. 1 1892. Wellington, 1892.
- New Zealand Department of Statistics. *New Zealand Vital*

- Statistics*. Vol. 1 1921. Wellington, 1921.
- New Zealand Maori and Island Affairs Department. *Maori Adoption Statistics Annual*. Social Services Division.
- New Zealand Parliamentary Debates* (NZPD). 1881 et seq.
- Novitz, David and Bill Willmott. eds. *Culture and identity in New Zealand*. Christchurch: GP Books, 1989.
- Nuthall, Jeane. "Unplanned pregnancy." *New Zealand Nursing Journal* 79, no. 7 (July 1986): 11-15.
- Oakley, Ann. "Interviewing women: A contradiction in terms." Chap. in *Doing Feminist Research*, ed. Helen Roberts. London: Routledge and Kegan Paul, 1981.
- Oliver, W.H. "The origins and growth of the welfare state." Chap. in *Social Welfare and New Zealand Society*. A Trlin ed. Wellington: Methuen, 1977.
- Olssen, Erik and Andree Levesque. "Toward a history of the European family in New Zealand." Chap. in *Families in New Zealand Society*. ed. Peggy Koopman-Boyden. Wellington: Methuen, 1978.
- O'Brien, Mary. *Reproducing the world: Essays in feminist theory*. London: Westview Press, 1989.
- O'Neill, C.J. "Fertility: Past, present and future." Chap. in *The Population of New Zealand: Interdisciplinary Perspectives*. eds. R.J.W. Neville and C.J. O'Neill. Auckland: Longman Paul, 1979.
- O'Neill, P.P. et al. *Ex-nuptial children and their parents: A descriptive survey*. Wellington: A.R. Shearer, Government Printer, 1976.
- Pannor, Reuben, Annette Baran and Arthur D. Sorosky. "Birth parents who relinquished babies for adoption revisited." *Family Process* 17 (September 1978): 329-336.
- Pascall, Gillian. ed. *Social policy: A feminist analysis*. London and New York: Tavistock Publications, 1986.
- Peach, Moira M. "Social adjustment of adopted and matched non-adopted children: A family environment study of matched adopted, mixed and nonadoptive families." Dip. Ed., University of Auckland, 1988.
- Pearce, Nasreen. *Adoption practice and procedure*. London: Fourmat Publishing, 1984.

- Petchesky, Rosalind Pollack. *Abortion and woman's choice: The State, sexuality, and reproductive freedom*. Great Britain: Verso, 1986.
- Population of New Zealand: economic and social commission for Asia and the Pacific*. Country Monograph Series No.12 Vol.1. N.Y.: United Nations, 1985.
- The Press* (Christchurch) 9, 14 February 1985, 19 April 1985, 19 February 1987, 18 May 1988, 8 March 1990, 10, 15 April 1990, 12 July 1990, 9 August 1990.
- "Principles of foster care." *New Zealand Welfare Workers Bulletin* 3 (May 1953): 53-55. (Reprinted from the October 1952 issue of *Child Care*, the quarterly review of the (British) National Council of Associated Children's Homes.)
- Pringle, M.L. Kellmer. *Adoption: Facts and fallacies*. Longmans in association with the National Bureau for Co-operation in child care, 1966-1967.
- Pringle, M.L. Kellmer. *Adoption facts and fallacies: A review of research in the United States, Canada and Great Britain between 1948 and 1965*. n.p.,, 1967.
- Raynor, Lois. *Giving up a baby for adoption: A study of the attitudes of mothers to the timing and finality of adoption consents*. Association of British Adoption Agencies, 1971.
- _____. *The adopted child comes of age*. With a Foreward by Jane Rowe. London: George Allen and Unwin, 1980.
- "A reader's story: After 50 years, a knock at the door." *New Zealand Womans Weekly* (19 October 1987): 36-37.
- "A reader's story: Finding my son." *New Zealand Womans Weekly* (27 February 1989): 43.
- Reiter, Rayna R. ed. *Towards an anthropology of women*. New York and London: Monthly Review Press, 1975.
- Report of the Royal Commission on Social Policy. "The voice of the people: An analysis of submissions." *Appendix to the Journals of the House of Representatives of New Zealand*. Wellington: Royal Commission on Social Policy, H.2, 1988.
- "Reports and reviews." *Social Work Review* 1, no. 1 (July 1988): 29-30.
- Roberts, Helen. ed. *Doing feminist research*. London and New York: Routledge and Kegan Paul, 1981.
- Rockel, Jenny and Murray Ryburn. *Adoption today: Change and*

- choice in New Zealand. Auckland, Heinemann Reed, 1988.
- Rosaldo, Michelle Zimbalist and Louise Lamphere. eds. *Woman, culture and society*. Stanford, California: Stanford University Press, 1974.
- Rosier, Pat. "Who is my mother?" *Broadsheet* 166 (March 1989): 23-27.
- Rowe, Jane. *Parents, children and adoption: A handbook for adoption workers*. London: Routledge and Kegan Paul, 1966.
- Ryan, Allannah. "Playing at happy families: The State and fertility control." *New Zealand Women's Studies Journal* 2, no. 2 (1986): 56-69.
- Royal Commission on Social Security. *Social Security in New Zealand. The April Report*. Vol. II. Future Directions. Wellington, Government Printer, 1972.
- Ryburn, Murray. "Open adoption." *New Zealand Social Work Journal* 11, no. 4 (February 1987): 2-7.
- Ryburn, Murray and Deborah Howell. "Chosen or not chosen: A programme to support everyone on adoption lists." *New Zealand Social Work Journal* 11, no. 4 (February 1987): 7-10.
- Sachdev, Paul. ed. *Adoption: current issues and trends*. Toronto: Butterworths, 1984.
- _____. ed. *Perspectives on abortion*. Metuchen, N.J., and London: The Scarecrow Press, 1985.
- Sagar, J. Michael. "Adopted children and their families: A reading study presented in partial fulfillment of the requirements of the Diploma of Educational Psychology." M.A. thesis in Psychology, University of Auckland, 1969.
- Sagar, M. "Adoption: The age of placement." *Parents Centre Bulletin* 46 (March 1971): 12-13.
- Saunders, Bill. "Candid on camera." *Listener* 1222, no. 2538 (22 October 1988): 41.
- Saunders, Eileen. *Adoption in New Zealand*. Wellington: Reed, 1971.
- Sawicki, Jana. "Foucault and feminism: Toward a politics of difference." *Hypatia* 1, no. 2 (Fall 1986): 23-36.
- Seglow, Jean, Mia Kellmer Pringle and Peter Wedge. *Growing up adopted*. National Foundation for Educational Research in England and Wales, 1972.

- Select Committee on Womens Rights. *The Role of women in New Zealand Society*. Wellington, Government Printer, 1975.
- "Self-Help Update." *Mental Health News* (February/March 1988): 14-15.
- Seymour, R. *Women's Studies in New Zealand 1974-1977: A pilot Bibliography-Directory*. Hamilton: Department of Sociology, University of Waikato, 1978.
- Shaw, Moya and Ron Benjamin. "Working with the Adult Adoption Act 1985." *New Zealand Social Work Journal* 11, no. 4 (February 1987): 11.
- Shawyer, Joss. "Joss Shawyer takes Birthright President to task." *Broadsheet* 26 (January 1975): 4-5.
- Shawyer, Joss. "The 'tidiest solution' versus wanting the baby." *Broadsheet* 55 (December 1977): 11-12.
- Shawyer, Joss. *Death by adoption*. Auckland: Cicada Press, 1979.
- Shawyer, Joss and R. Ludbrook. *Everything a single parent needs to know*. Auckland: Council for the Single Mother and her Child, 1974.
- Silbur, Kathleen and Phylis Speedlin. *Dear Birthmother: Thankyou for our baby*. Foreward by Alberto C. Serrano. n.p.,: Corona Publishing Co., 1983.
- Simpson, Helen. *The Women of New Zealand*. Wellington: Department of Internal Affairs, 1940 (New Zealand Centennial Surveys, 7).
- Smart, Carol. *Feminism and the power of law*. London and New York: Routledge, 1989.
- Smart, C. and Barry Smart. *Women, sexuality and social control*. London: Routledge Kegan Paul, 1978.
- Smith, Carole R. *Adoption and fostering: Why and how*. London: Macmillan, 1984.
- Smith, Philippa Mein. "Mortality in childbirth in the 1920s and 1930s." Chap. in *Women in History: Essays on European Women in New Zealand*. eds. Barbara Brookes, Margaret Tennant and Charlotte McDonald. Wellington: Allen and Unwin, 1986.
- Smitow, A., C. Stansell and S. Thompson. eds. *Desire: The politics of sexuality*. London: Virago, 1983.
- Social Development Council. *Family finances: Can the community do better?* Wellington: Social Development Council, 1977.

- Social Development Council. *Housework and caring work: Can men do better?* Wellington: SDC, 1977.
- Social Development Council. *Solo parent families.* Wellington: SDC, 1978.
- Social Development Council. *Stepfamilies.* Wellington: SDC, 1978.
- Social Development Council. *Families caring for members with special needs.* Wellington: SDC, 1978.
- Social Security Amendment Act (No.2)* Wellington: Government Printer, 1978.
- Society for Research on Women. "The right decision. Stage 4 report, unmarried mothers study." Society for Research on Women. Auckland: 1984.
- Sorosky, Arthur D. *The adoption triangle: the effects of the sealed record on adoptees, birth parents and adoptive parents.* 1st ed. Garden City, N.Y.: Anchor Press, 1978.
- Soulis, Athina. "Monogamy rules--O.K.?" *Broadsheet* (November 1986): 14-19.
- Spallone, Patricia and Deborah Lynn Steinberg. eds. *Made to Order: The myth of reproductive and genetic progress.* Athene Series. Oxford: Pergamon Press, 1987.
- Spoonley, Paul, David Pearson and Ian Shirley. *New Zealand sociological perspectives.* Palmerston North: Dunmore Press, 1982.
- Stanley, Liz and Sue Wise. *Breaking Out: Feminist consciousness and feminist research.* London: Routledge and Kegan Paul, 1983.
- Stanworth, Michelle. ed. *Reproductive technologies: Gender, motherhood and medicine.* Minneapolis: University of Minnesota Press, 1987.
- Status of Children Act.* Section 5, Wellington: Government Printer, 1969.
- Stevenson, Dolly. "The new style of adoption." *Family Law Bulletin* 1, no. 10 (December 1987): 146-150.
- _____. "The new style of adoption: Part two." *Family Law Bulletin* 1, no. 11 (June 1988): 168-175.
- Stimpson, C. and E. Person. eds. *Women: Sex and sexuality.* Chicago: University of Chicago, 1980.
- Sutch, W.B. *Women with a cause.* Wellington: New Zealand University Press, 1974.

- Svendson, Karen. "Broadcast: No choice." *Broadsheet* 157 (April 1988): 13.
- Tennant, Margaret. "Maternity and morality: Homes for single mothers 1890-1930." *New Zealand Women's Studies Journal* 2, no. 1 (August 1985): 14-24.
- _____. *Paupers and providers: Charitable aid in New Zealand*. Wellington: Allen and Unwin/Historical Branch, 1989.
- Terry, Jennifer. *A Guide to the Children Act 1975*. London: Sweet and Maxwell, 1976.
- Tizard, Barbara. *Adoption: A second chance*. London: Open Books, 1977.
- Trainor, Belinda. "Having or not having babies--What power do women have?" *New Zealand Women's Studies Journal* 3, no. 2 (March 1988) 44-71.
- Trawick, Eleanor. "Teenage oppression and reproductive rights." Chap. in *Test-tube women: What future for motherhood?* eds. Rita Arditti, Renate Duelli Klein and Shelley Minden. London: Pandora Press, 1984.
- Triseliotis, John. ed. *New developments in foster care and adoption*. London: Routledge and Kegan Paul, 1980.
- _____. ed. *Groupwork in adoption and foster care*. London: Batsford, 1988.
- Turner K. and P. Vaver. *Women and the law in New Zealand*. Wellington: Hicks Smith, 1975.
- United Nations. *The status of the unmarried mother: Law and practice: Report to the Secretary General*. United Nations, N.Y.: Commission on the Status of Women, 1971.
- Vanderpyl, Jane. "Feminist post-structuralism and the research interview." A paper presented at the Annual Conference of the Sociological Association of Aotearoa, Lincoln University, New Zealand.
- Waring, Marilyn. *Counting for nothing: What men value and what women are worth*. Wellington: Allen and Unwin Port Nicholson Press, 1988.
- Warnock, Mary. *A question of life: The Warnock Report of Human Fertilisation and Embryology*. Oxford: Basil Blackwell,

1984.

Webb, Patricia M. Correspondence letter to the editor on Kennedy's "Legal effect of adoption." *Canadian Bar Review* 34 (1956): 356-363.

_____. *A review of the law on adoption*. Wellington: Department of Justice, 1979.

Webb, Philip R.H. "Adoption." Chap. in *Source book of family law*. eds. P.R.H. Webb, R.A. Caldwell and J.L.R. Davis. Webb and Bevan New Zealand edition. Wellington: Butterworths, 1967.

Webster, Steven. *Maori Adoption*. Auckland: Department of Anthropology, University of Auckland, 1973.

Weeks, J. *Sexuality and its Discontents*. RKP, London, 1983.

Wheeler, J. "Adoption: parents-in-waiting look at the alternatives." *New Zealand Womans Weekly* (8 December 1980): 4-5.

White, Kath. "An adoption placement with a difference." *New Zealand Nursing Journal* 77, no. 9 (September 1984): 3-5.

Wilson, Elizabeth. *Women and the Welfare State*. London: Tavistock Publications, 1977.

Winkler, Robin and Margaret van Keppel. *Relinquishing Mothers in Adoption: Their long-term adjustment*. Institute of Family Studies Monograph No 3, Melbourne, May 1984.

Wolf, Arthur P. *Marriage and adoption in China, 1845-1945*. Stanford, California: Stanford University Press, 1980.

Wood, C., N. Shanmugan and E. Meredith. "The risk of pre-marital conception." *Medical Journal of Australia* 2 (1969): 228-232.

Woods, Gillian, Lyn Holland and Philippa Mansfield. *Talking about adoption: New Zealanders speak*. Auckland: Jigsaw, 1982.

Zipper, Juliette and Selma Sevenhuijsen. "Surrogacy: Feminist notions of motherhood reconsidered." Chap. in *Reproductive technologies: Gender, motherhood and medicine*. ed. Michelle Stanworth. Cambridge: Polity Press, 1987.